

Mainstreaming Inclusion for LGBTIQ Refugees

An Overview of the Displacement Context in Central & Eastern Europe

October 2024



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ORAM - Organization for Refuge, Asylum & Migration

OVERVIEW OF ORAM

ORAM is one of the first international non-governmental organizations (NGO) to assist refugees and asylum seekers based on their sexual orientation and/or gender identity, expression and sex characteristics (SOGIESC). ORAM has been a pioneer in protecting and empowering vulnerable Lesbian, Gay, Bisexual, Transgender, Queer and Intersex (LGBTIQ) refugees and asylum seekers globally.

We assist LGBTIQ asylum seekers and refugees on every step of their journey, working along displacement routes and in transit countries. We connect individuals with the resources and opportunities they need to build safe, stable and empowered lives.

ORAM is dedicated to working with partners across the globe, through our key programmatic areas in protection, empowerment, sustaining the sector and advocacy, to advance our mission of building sustainable and systemic change.



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EXECUTIVE SUMMARY

The UNHCR Global Trends report, published in June 2024, revealed that forced displacement reached 120 million by May 2024. Within this context, accurately determining the number of LGBTIQ refugees and asylum seekers poses significant challenges. The European Database on Asylum Law (EDAL) does not provide detailed classifications, such as SOGIESC, which necessitates reliance on estimates from non-governmental organizations (NGOs) and data primarily compiled by LGBTIQ civil society organizations (CSOs). However, this ‘invisibility’ of LGBTIQ refugees and asylum seekers is not reflective of empirical absence but rather, a result of systemic underrepresentation. This critically undermines their inclusion in refugee service provision, and more broadly, in humanitarian action.

This report aims to assess the needs and challenges faced by LGBTIQ refugees in Central and Eastern Europe. The data presented in this report draws on the analysis of fifteen qualitative interviews, with a range of key LGBTIQ and refugee organizations across Czechia, Hungary, Poland, Romania and Slovakia. In Czechia, we gained insight from our exchange with the Association for Integration and Migration, the Organization for Aid to Refugees, Prague Pride, and Transparent. These organizations provide comprehensive legal and social support, particularly emphasizing LGBTIQ healthcare and integration. In Hungary, we collaborated with the Cordelia Foundation, Hátter Society, and the Hungarian Helsinki Committee, all of which provide crucial services such as psychological support, legal aid, and advocacy for LGBTIQ persons. In Poland, we were in conversation with the AIDS Healthcare Foundation, Amnesty International Polska, Fundacja Warsaw House, Kultura Równości, and Queer Without Borders. The focus of these organizations is on human rights, advocacy, health, housing, and legal assistance for LGBTIQ persons. In Romania, we engaged with Includiune pe Bune and MosaiQ which both advocate for LGBTIQ rights and address the needs of marginalized communities, including Roma and Syrian LGBTIQ persons. In Slovakia, we relied on the experience of Gender Stream, which offers dedicated services for Ukrainian LGBTIQ refugees. Many organizations, though not explicitly mentioned, are actively engaged in similar efforts in Central and Eastern Europe. These contributions are acknowledged throughout the report, especially in the stakeholder mapping section, which highlights the extensive network of organizations working across the region.

This report consolidates the insights and best practices cited by these organizations, offering actionable policy and programmatic recommendations focused on material and special vulnerability needs, health care, accommodation, employment and legal assistance. It is our hope that this report will contribute to the mainstreaming efforts toward LGBTIQ inclusion in international, as well as domestic refugee responses. This report is intended as an invitation for stakeholders to work towards intersectional inclusion efforts that take the experiences of those at the outmost margin as a starting point for designing inclusive humanitarian interventions. We believe that the experiences and perspectives offered by our research participants illuminate pathways that inspire a shift toward more inclusive practices that enhance the safety and well-being of LGBTIQ displaced persons.

Dr. Mengia Tschalär & Adam McNally

1. INTRODUCTION

This report gives an overview of the services that are available to LGBTIQ asylum seekers and refugees in Poland, Hungary, Slovakia, Czechia, and Romania.¹ Based on qualitative research conducted within these five country contexts, this report examines LGBTIQ asylum seekers and refugees' access to physical and mental health providers, accommodation, legal support, the labor market, and community networks, amongst others.²

The Russian invasion into Ukraine in February 2022, sparked a wave of national and international funding for the delivery of services to NGO's located within Central and Eastern European countries that share a border with Ukraine. As of October 2024, a total of 2,279,000 refugees from Ukraine have been registered in Hungary, Poland, Czechia, Slovakia, and Romania under the EU's Temporary Protection Directive.³

While the services for refugees - particularly from Ukraine, but not so much from third countries, such as Iraq, Afghanistan or Syria – have been considerable strengthened, the particular support services for LGBTIQ asylum seekers and refugees have been rather sidelined. The goal of this report is twofold. Firstly, the report fleshes out the gaps and challenges that exist within the wider support service landscape for forcibly displaced LGBTIQ persons and makes recommendations based on the 'good practices' that have been shared with us by various services providers. Secondly, it provides a mapping of support services for LGBTIQ asylum seekers and refugees in Poland, Hungary, Slovakia, Czechia, and Romania.

This report will be a useful resource for LGBTIQ asylum seekers and refugees who are currently looking for legal, social, and/or medical support. Additionally, this report is a helpful resource for service providers – including civil society-run NGOs, refugee and LGBTIQ organizations and activists – who are seeking to enhance the services they offer to LGBTIQ asylum seekers and refugees and who are eager to learn from the best practices that exist within these different country contexts. Similarly, social workers working in reception and detention centers and refugee accommodations will benefit from being aware of the challenges and gaps that exist regarding the service provisions for forcibly displaced LGBTIQ people as well as learn about the steps they can take to improve their services. Lastly, this report will further benefit police and border control personnel, as well as governmental officials, involved in immigration and asylum procedures, particularly at the stage of reception and asylum application.

1. Asylum claims based on SOGIESC have increased in the jurisprudence of Eastern and Central Europe. Under the Common European Asylum System (CEAS), common standards for LGBTIQ asylum seekers are set out in the recast Qualification Directive, Asylum Procedures Directive, and Reception Conditions Directive. When approved, LGBTIQ applicants are typically granted international protection as members of a "particular social group" as defined in the 1951 Refugee Convention. Furthermore, the UNHCR Guidelines on International Protection No.9 offers guidance to legal practitioners and decision-makers on credibility assessments for SOGIESC claims. Available at https://euaa.europa.eu/sites/default/files/publications/2023-09/AR2023_factsheet20_LGBTIQ_applicants_EN.pdf last visited 1. October 2024) and <https://www.unhcr.org/media/unhcr-guidelines-international-protection-no-9-claims-refugee-status-based-sexual-orientation#:~:text=UNHCR%20Guidelines%20on%20International%20Protection%20No.%209:%20Claims> last visited 1. October 2024).

2. Our definitions of 'asylum seeker' and 'refugee' primarily reflect the United Nations High Commissioner for Refugees' (UNHCR) established terminology. According to the UNHCR, an asylum seeker is a person who has fled their home country and is seeking international protection but whose refugee status has not yet been determined. In contrast, a refugee is defined as someone outside their country of origin, with a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion and who has been granted international protection. See: <https://www.unhcr.org/sites/default/files/legacy-pdf/48737cbe2.pdf> (last accessed 9. October 2024).

3. The Temporary Protection Directive was triggered by the EU in response to the Russian invasion of Ukraine in 2022. It aims to assure assistance to people fleeing the war in Ukraine, granting temporary protection (extended to 4th March, 2026). Most EU Member States, including the five countries in this study, have implemented the Directive, providing stay, residence, and work status for Ukrainian citizens and eligible residents. See: Operational Data Portal. 2024. Ukraine Refugee Situation. Available at: <https://data.unhcr.org/en/situations/ukraine?utm> (last visited 1. October 2024).

1.1 METHODOLOGY

The research for this report was conducted between March and September 2024. As a first step, both ORAM's Inclusion Specialist and the Research Consultant, conducted a thorough mapping of NGOs in Hungary, Poland, Czechia, Slovakia, and Romania. They focused on identifying organizations that provide support services to asylum seekers and refugees, particularly those who identify as LGBTIQ.

The result is a list of over 138 organizations who are currently offering support to migrants, including asylum seekers and refugees, out of which 50 are dedicated LGBTIQ organizations. Many of these organizations were traditionally involved in general advocacy work on LGBTIQ issues and have only recently started supporting refugees, particularly in the aftermath of the Russian invasion of Ukraine in February 2022. For this study, we conducted fifteen qualitative online interviews via Zoom, lasting 45-60 minutes each, with service providers – including lawyers, legal analysts, psychiatrists, mental health specialists, LGBTIQ advocates and activists, and researchers – from the five target countries in Central and Eastern Europe. All interviews were conducted in English.

The research participants were asked to address questions regarding reception conditions, vulnerability assessment, accommodation needs detention conditions, access to physical and mental health support, access to employment, border security, police protection and legal protection for LGBTIQ asylum seekers and refugees. All participants agreed to their interviews being recorded for research purposes and were informed about their right to data protection and withdrawal from the research.

The interviews have been transcribed using the Zoom transcription service and coded by hand according to the question categories outlined above.

This research has three key methodological limitations. Firstly, this report does not offer a comprehensive or fully representative picture of LGBTIQ inclusion in refugee responses within the Central and Eastern European context. Instead, our intention is to highlight the recurring challenges faced by refugee and humanitarian professionals in supporting LGBTIQ refugees and asylum seekers in the region and draw upon best practices of what is working well in supporting this group. Secondly, it does not include asylum seekers and refugees themselves as key informants, as this digital ethnography was not conducted on-site and direct access to forcibly displaced LGBTIQ persons was restricted.

Additionally, while we have predominantly used the term “LGBTIQ” throughout this report, we acknowledge that a lot of organizations we consulted with did not always specifically include intersex individuals. Finally, the research primarily targets service providers located in urban areas, rather than in rural areas, as these were most accessible for online fieldwork. Despite these limitations, the study maintains a grassroots approach and features the voices of service providers who have long been involved in LGBTIQ advocacy.

2. BACKGROUND & CONTEXT

2.1 POLITICAL CONTEXT & LGBTIQ ASYLUM LAWS

The selected countries of Czechia, Hungary, Poland, Slovakia, and Romania occupy the bottom of the ILGA-Europe (International Lesbian, Gay, Bisexual, Trans and Intersex Association)⁴ ranking in terms of their legal and social policies. The political and legal developments, as well as societal attitudes towards LGBTIQ rights in these five countries, need to be considered against the background of conservative politics and religious rhetoric. In these countries' contexts, under the influence of conservative and religious groups, LGBTIQ rights are often seen as an attack on traditional family values, which in turn translate into traditional values around national identity and belonging. For instance, using the language of tradition and culture, Prime Minister of Hungary, Viktor Orbán, has enacted laws restricting LGBTIQ rights, including a ban on legal gender recognition for trans individuals and laws prohibiting the portrayal of LGBTIQ content to minors. In Slovakia and Czechia, conservative and religious institutions have successfully pushed for constitutional amendments that narrowly define marriage as a union between a man and a woman.

The opposition to recognizing same-sex partnerships is palpable, with traditional family values invoked as the primary defence. Meanwhile, in Romania, the Orthodox Church, in alliance with conservative political factions, mounted considerable resistance against legislation for same-sex marriage and civil partnerships, framing such advancements

as existential threats to Romanian cultural values and family structures.⁵ However, the situation in Poland is particularly striking. Under the reign of the right-wing, populist Law and Justice Party (2015–2023), Poland became known as the European Union (EU) country offering the least legal protections to LGBTIQ people, casting a shadow over the progress made across the continent.⁶ The strong political and legislative anti-LGBTIQ movement in Poland culminated with the establishment of LGBTIQ-free zones on the municipality level. While most of these zones have now been abolished due to international pressure, as well as legal challenges from Polish courts, some zones remain in existence.

Despite the strong anti-LGBTIQ momentum in law and policy in Hungary and Poland, both countries have, like Czechia, Romania and Slovakia, according to ILGA, some form of legal⁷ protections against discrimination based on sexual orientation, particularly in employment. However, none these countries currently have marriage equality for same-sex couples, although Czechia recognizes same-sex registered partnerships – offering some legal benefits but not equivalent to marriage. In contrast, the constitutions of Hungary, Poland, Slovakia, and Romania all define marriage as a union between a man and a woman.⁸

4. Out of a total of 49 European countries, Czechia occupies the rank of 24, Hungary 22, Poland 30, Romania 29, and Slovakia 23. For further information see: ILGA Europe. 2024. Rainbow Map. Available at: <https://rainbowmap.ilga-europe.org/> (Last accessed 1. October 2024).

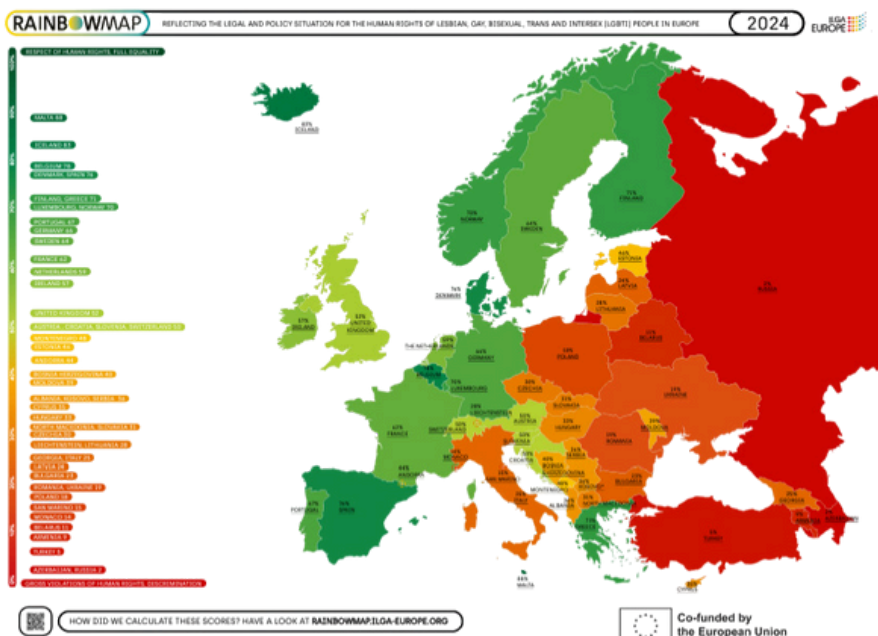
5. Ibid.

6. Atlas of Hate. Available at: <https://atlasnienawisci.pl> (last accessed 15. July 2024).

7. ILGA Europe. Czechia-Rainbow Map. Available at: <https://rainbowmap.ilga-europe.org/countries/czechia/> (last accessed 8. October 2024).

8. ILGA Database. Available at: <https://database.ilga.org/en> (last accessed 15. July 2024).

In terms of gender identity, Czechia allows for legal gender recognition and recently, in May 2024, has ruled to abolish the formerly required sterilization required for a gender change. On the other hand, Slovakia, Poland, and Romania, have complicated and restrictive processes for legal gender recognition that make it difficult to access. Hungary, however, banned legal gender recognition entirely in 2020.



Source: ILGA-Europe, available at: <https://rainbowmap.ilga-europe.org/files/uploads/2024/05/2024-rainbow-map.pdf>

The European Court of Human Rights (ECHR) has repeatedly challenged discriminatory laws and practices in these countries. For instances, the ECHR has been involved in cases against ‘LGBT-free zones’ in Poland; Hungary’s ban on legal gender recognition for transgender individuals; Romania’s LGBTIQ person’s right to a civil union; and has also contributed to the ban of sterilization for the purpose of change of gender identity.⁹

The general political rhetoric around protecting traditional family values and national identity, often used to frame opposition to LGBTIQ rights, also permeates anti-immigration politics and policies in Hungary, Poland, Czechia, Slovakia, and Romania. Currently, Europe is witnessing a surge in right-wing anti-immigration politics, which was solidified by a significant rightward shift in the European Parliament elections of June 2024. This political momentum was largely driven by conservative narratives that portray immigration, particularly irregular immigration, as a security threat to Europe and a catalyst for the erosion of social values and morality.¹⁰

9. See: ILGA Europe. 2023. Poland must ensure that same-sex couples are legally recognised, European Court rules. 12. December. Available at: <https://www.ilga-europe.org/news/poland-must-ensure-that-same-sex-couples-are-legally-recognised-european-court-rules/> (last accessed 8. October 2024); Amnesty International. 2023. Hungary 2023. Available at: <https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/hungary/report-hungary/> (last accessed 8. October 2024); Social Europe. 2023. Landmark European ruling on LGBT+ rights. 25. May. Available at: <https://www.socialeurope.eu/landmark-european-ruling-on-lgbt-rights> (last accessed 8. October 2024); National LGBT Rights Organization. European Court: Forced Sterilization of Trans People Violates Human Rights. Available at: <https://www.lgl.it/en/?p=16688> (last accessed 8. October 2024).

10. Context. 2024. Are LGBTIQ rights at risk in the EU election? 4. June. Available at: <https://www.context.news/socioeconomic-inclusion/are-lgbtq-rights-at-risk-in-the-eu-election> (last accessed 15. July 2024).

As a result, LGBTIQ persons seeking asylum in these five countries face a dual challenge: on the one hand, they are confronted with exclusionary policy frameworks, and in Hungary and Poland anti-LGBTIQ policies, while on the other hand, they must navigate increasingly harsh immigration and asylum measures. Political stances on immigration vary across the five nations, with Czechia and Romania showing a more moderate approach, displaying some willingness to comply with EU integration policies. In contrast, Hungary, Slovakia, and Poland have adopted highly restrictive policies, prioritizing border security over their obligations to provide international protection as outlined in the Common European Asylum System.¹¹

For instance, in the aftermath of the so-called 2015/16 refugee crisis, Hungary completely dismantled its asylum system by starting to only process asylum claims within so-called transit zones at its borders. There, people who managed to cross the Hungarian border were arbitrarily detained over several months, if not years. This policy was followed by the complete stop of processing asylum claims on Hungarian soil and closure of the transit zone after the reception conditions have been deemed inhuman by the EU's Court of Justice (CJEU) in 2020.¹² As part of the dismantling of the asylum system, Hungary further pushed migrants – both regular and irregular – back to Serbia, without checking their documents and without honouring the Refugee Convention, the EU Return Directive, as well as the Charter of the Fundamental Rights of the European Union.¹³

As confirmed by key informants, after the removal of the transit zones, seeking asylum on Hungarian territory is no longer possible. All asylum seekers are required to submit an in-person declaration of intent relating to the submission of an application for international protection in Belgrade, Serbia. Hungary has further introduced laws to criminalize aid to undocumented migrants.¹⁴

In a similar fashion, Poland refuses to accept asylum seekers under EU redistribution schemes and practices extensive pushbacks of migrants, particularly at the Polish-Belarusian border. According to Queer Without Borders, asylum seekers who try to enter Poland via the Polish-Belarusian border without a visa, are issued a letter stating that they have illegally crossed the border before they are put on a bus which drops them on the other side of the border wall (which Poland has built over the last 10 years or so).¹⁵ Along this border, displaced people often face violent abuses, including beatings and rape and they are left to their own devices in the vast Belarusian forest, potentially leading to death.¹⁶

11. European Commission. Common European Asylum System. Available at: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en (last accessed 8. October 2024).

12. Hungarian Helsinki Committee. Helsinki File: Transit Zone. Available at: <https://helsinki.hu/en/akta/transit-zone/#:~:text=Transit%20zones%20have%20been%20shut,of%20Human%20Rights%20> (ECTHR). (Accessed 25. April 2024).

13. The European Commission defines irregular migrant as a person who has entered a national territory without legal basis or whose legal right to reside on that territory has expired. See; https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-asylum-and-migration-glossary/glossary/irregular-migrant_en# (last accessed 9. October 2024).

14. Hungarian Helsinki Committee. 2023. European Court of Human Rights judgments condemn detention of asylum-seekers in Hungarian transit zones. 9. October. Available at: <https://helsinki.hu/en/european-court-human-rights-condemn-detention-asylum-seek-ers-transit-zones-hungary/> (Accessed 1. October 2024).

15. See: <https://www.hrw.org/news/2022/06/07/violence-and-push-backs-poland-belarus-border> (accessed April 26. 2024).

16. Ibid.

Similar to Hungary and Poland, Slovakia also maintains a restrictive stance on asylum measures, as it opposes EU quotas for redistributing refugees, while at the same time, are enhancing their border securitization efforts. While Czechia and Romania have a relatively moderate stance on asylum, when compared to Hungary, Slovakia and Poland, with Romania participating in the EU refugee relocation program and Czechia boosting a well-developed State Integrated Programme, both countries are in favour of tighter border controls.¹⁷

The border control mechanisms described above do not apply in the same manner to Ukrainian refugees. In response to the Russian invasion of Ukraine on 24th February 2022, the European Parliament swiftly activated the EU Temporary Protection Directive on 4th March 2022. This legal measure was enacted to provide immediate and effective protection for people fleeing the conflict in Ukraine, ensuring expedited access to support and asylum within the European Union. The mechanism was last extended until 4th March 2026.

As of July 2024, over 6 million Ukrainian refugees have been recorded in Europe, many of which travelled through the countries in which this research was conducted.¹⁸

While the majority moved onwards toward Western Europe, to date, 957,504 Ukrainian refugees have been registered in Poland, 77,902 in Romania, 353,508 in Czechia, 60,620 in Hungary, and 122,926 in Slovakia.¹⁹ Since Marshall Law does not allow able-bodied men from age 18-60 to leave the country, the great majority of LGBTIQ Ukrainian refugees identify as lesbian or as trans*(men). Under the EU Temporary Protection Directive, LGBTIQ Ukrainian refugees had by and large the same access to healthcare, employment, education, and housing as nationals of the respective host country. In Hungary, Poland, Czechia, Slovakia, and Romania, Ukrainian refugees are/were also entitled to financial assistance.

17. Schengen News. 2021. Hungary, Slovakia, Czech Republic & Poland United Against Migrant Quotas. 3. July. Available at: <https://schengen.news/hungary-slovakia-czech-republic-poland-united-against-migrant-quotas/> (last accessed 8. October 2024); UNHCR. 2024. Romania Fact Sheet. February. Available at: <https://www.unhcr.org/sites/default/files/2024-03/bi-annual-fact-sheet-2024-02-romania.pdf>) and UNHCR. 2024. Czechia Fact Sheet. Available at: <https://www.unhcr.org/sites/default/files/2024-03/bi-annual-fact-sheet-2024-02-czech-republic.pdf>) (last accessed 1. October 2024).

18. UNHCR. Operational Data Portal. Ukraine Refugee Situation. Available at: <https://data.unhcr.org/en/situations/ukraine/location/10785> (last accessed 16. July 2024).

19. Ibid.

2.2 EU PACT ON MIGRATION & ASYLUM

Vulnerability Assessment and the Pact

Whether LGBTIQ asylum seekers and refugees have access to adequate support services very much depends on the reception conditions in the host country and the manner in which their vulnerabilities – and needs in this regard – are recognized. The New Pact on Migration and Asylum, which was formally adopted by the Council of Europe on 14th May 2024, has, amongst others, the goal to make asylum, return, and border procedures, streamlined and effective.²⁰ While the EU Pact on Migration and Asylum was hailed as a ‘fair and pragmatic’ approach to migration and asylum by the European Commission President Ursula von der Leyen and as ‘human-centered’ by the Commissioner for Home Affairs, Ylva Johansson, this new legislation has the potential to contribute to enhanced pushbacks, restricting people’s right to refugee protection.²¹

For instance, the Screening Regulation in Article 6 provides that preliminary health and vulnerability examinations, and all identity checks need to take place at the external borders of the EU and within the timeframe of five days.²²

It has been pointed out by many CSOs, that five days was not enough for adequately identifying the vulnerabilities and protection needs of LGBTIQ persons who often find it difficult to out

themselves vis-à-vis border officials, talk about experiences of gender-based and sexualized violence and reveal trauma.²³

In fact, many LGBTIQ people often feel reluctant to share sensitive personal information about their SOGIESC within such short time frame due to trauma, shame, and/or fear of discrimination.²⁴ As a result, the EU Pact on Migration and Asylum thus risks to further sideline the protection needs of LGBTIQ people during the initial screening service. LGBTIQ asylum seekers might thus not receive the appropriate support services they need. Instead, they face a heightened risk of being sent back to countries where their life is at risk, of experiencing gender-based and sexualized violence while they are housed in detention centres and during transit and are at an elevated risk of being re-traumatized.

Against the backdrop of rising homo- and transphobia in Central and Eastern Europe, LGBTIQ persons seeking international protection may face border and government officials who lack the gender- and sexuality-sensitive training necessary to identify and address their specific vulnerabilities. This can result in these individuals being directed toward processing inappropriate measures, or unsafe. Moreover, asylum the personal biases or homo- and transphobic views of some officials may further lead to discriminatory practices and the mishandling of cases.

20. European Commission. 2024. Pact on Migration and Asylum. A common System to manage Migration. 21. May. Available at: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-mi-gration-and-asylum_en (last accessed: 16. July 2024).

21. International Rescue Committee. 2023. What is the EU Pact on Migration and Asylum. 27. October. Available at: <https://www.rescue.org/eu/article/what-eu-pact-migration-and-asylum> (last accessed 8. October 2024).

22. PICUM. Immigration Detention and De Facto Detention: What does the law say? 2022. Available at: <https://picum.org/wp-content/uploads/2022/09/Immigration-detention-and-de-facto-detention.pdf> (last accessed: 16. July 2024).

23. PICUM. 2021. Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies. Available at: <https://picum.org/wp-content/uploads/2021/03/Preventing-and-Addressing-Vulnerabilities-in-Immigration-Enforcement-Policies-EN.pdf> (last accessed 8. October 2024).

24. International Rescue Committee. 2021. For A Europe That Truly Protects. Joint NGO Policy Brief on the Screening Regulation Proposal. May. Available at: https://www.rescue.org/sites/default/files/2021-05/Screening%20Policy%20Brief_0.pdf (accessed 8. October 2024).

While Article 6 of the Screening Regulation within the Pact on Migration and Asylum aims to streamline the processing of migrants and asylum seekers, there remains significant potential for discrimination against LGBTIQ individuals if adequate safeguards are not in place. Without specific measures to address their unique vulnerabilities, the risk of misallocation or mishandling of services is considerable.²⁵

To date, Czechia, Hungary, Slovakia, and Poland, all of which have largely opposed the EU Pact on Migration and Asylum due to concerns over mandatory solidarity measures and potential infringements on national sovereignty, lack, according to our research, clear guidelines and implementation measures for conducting vulnerability assessments related to diverse SOGIESC.

Future Development of Service Provision

The Russian invasion of Ukraine has prompted a large funding stream into Central and Eastern European countries with the intention to provide swift and adequate assistance to Ukrainian refugees. These multi-billion funding packets for Central and Eastern Europe was provided by the EU. UN agencies such as the UNHCR, national governments, private sector entities, and philanthropists, as well as international financial institutions such as the World Bank and the International Monetary Fund. As a result, LGBTIQ and refugee organizations in Central and Eastern Europe have received a considerable amount of short-term funds to support refugees with legal advice, access to accommodation, translation services, vocational trainings, and access to health care. This quick inflow of money that came rather unexpectedly as the war in Ukraine was not predicted, prompted LGBTIQ and refugee organizations to increase their hiring and expand their support services for refugees. As various representatives from refugee and LGBTIQ organizations are predominantly located

in urban centers in Hungary, Poland, Czechia, Slovakia, and Romania, this short-term funding that was earmarked for humanitarian purposes was used to add refugee services to existing services. The latter includes legal advocacy, lobbying and support; mental and physical health support; community building; accommodation; and diversity and inclusion work.

Our research data shows that LGBTIQ organizations used available funds to expand existing services while new ones such as safe emergency housing, mental health, support, legal immigration assistance, access to LGBTIQ friendly healthcare providers, and translation services. These organizations also increasingly collaborated with refugee-focused groups and those specializing in services for people living with HIV and survivors of gender-based and sexualized violence.

25. ILGA Europe. 2021. Policy Briefing on LGBTI Refugees and EU Asylum Legislation. September. Available at: <https://www.ilga-europe.org/files/uploads/2022/05/policy-briefing-lgbti-refu-gees-and-eu-asylum-legislation.pdf> (last accessed 16. July 2024).

26. UNHCR. 2023. Funding Update. Ukraine Situation. Available at <https://reporting.unhcr.org/ukraine-situation-funding-2023%20accessed%208.%20October%202024>. (Last accessed 8. October 2024).

However, nearly three years into the war, and with no end in sight, funding streams are beginning to dry up. Many LGBTIQ organizations, particularly smaller ones, report that they are now struggling to secure funding for essential services like training, legal support, HIV treatment, hormone replacement therapies (HRT), mental health care, and safe housing. After more than two years of intense frontline work, LGBTIQ social workers and activists report chronic fatigue and burnout. Additionally, in countries like Hungary and Poland, hostile government policies have contributed to the harassment and arrest of LGBTIQ activists. While the war in Ukraine initially helped mobilize support and expand services for LGBTIQ refugees, the combination of dwindling funding, rising homo- and transphobic political rhetoric, and increasing anti-migration sentiments has made it increasingly difficult for these organizations to sustain their work.

Notwithstanding this, the situation may shift with the implementation of the EU Pact on Migration and Asylum in June 2026, which emphasizes improving reception conditions across the EU (while remaining cautious of the potential shortcomings of the vulnerability assessment within the different country contexts). Significant funds are expected to be allocated to the New Reception Conditions Directive, as part of the Pact currently undergoing the legislative process, which aims to strengthen the protection of vulnerable groups, including LGBTIQ asylum seekers and refugees. There is hope that the newly established and strengthened LGBTIQ support networks in Central and Eastern Europe will benefit from these policy measures.

Identified Challenges for the Inclusion of Displaced LGBTIQ Persons in Central and Eastern Europe

Firstly, support services for LGBTIQ refugees in the five target countries differ significantly for Ukrainian and non-Ukrainian persons, with a notable increase in funding and resources for Ukrainian refugees following the Russian invasion. While LGBTIQ organizations have expanded their services, these improvements predominantly benefit Ukrainian refugees, leaving marginalized non-Ukrainian LGBTIQ persons, including Roma people, underserved. Secondly, a comprehensive vulnerability assessment during the reception phase is lacking across all five country contexts, often focusing only on basic criteria like age or disability, while ignoring critical aspects such as SOGIESC, and experiences of violence. Thirdly, access to physical and mental health services is also severely limited, with few queer-friendly practitioners available and significant barriers, particularly language issues, affecting LGBTIQ refugees' ability to receive care.

Finally, the lack of safe accommodation leads to isolation and risks of re-traumatization, while political and societal hostility further complicates employment opportunities for LGBTIQ refugees, driving many to seek refuge in Western Europe. In what follows, this report maps the support services that are theoretically available to LGBTIQ asylum seekers and refugees in Central and Eastern Europe. Critically, the discussion of the support services and needs for displaced LGBTIQ persons in specific country case study is placed within the framework of the current socio-political developments regarding migration and LGBTIQ issues.

3. COUNTRY CONTEXT: CASE STUDIES

3.1 CZECHIA



According to the European Commission, the number of migrants in Czechia has increased by nearly 70% since the 2022 Russian invasion of Ukraine.²⁷ Most asylum seekers and refugees are from Ukraine (373,745 holding temporary protection and 100 asylum seekers), with smaller numbers from Russia, Syria, Afghanistan, and Turkey.²⁸

Jana Bedaňová, a lawyer at the Association for Integration and Migration (Sdružení pro integraci a migraci, o.p.s.), expresses concern about the low number of non-Ukrainian asylum applications which she attributes to pushbacks. In 2023, according to Bedaňová, Czechia, which was reluctant to accept refugees during the 2015/16 crisis, is now seen as a transit country, especially for non-Europeans.

Societal attitudes towards refugees in Czechia have shifted over time. While Ukrainians were initially welcomed, Prague Pride notes that the current sentiment is negative due to political campaigns portraying refugees as a threat to the availability of jobs. It was widely held by key informants, that LGBTIQ refugees now face a more hostile environment and may also encounter homo-/ transphobia. Indeed, the organization Trans Refugee the Aid/Transparent mentions growing polarization over LGBTIQ issues, particularly amid debates on marriage equality. Despite more liberal views in cities like Prague, non-Ukrainian LGBTIQ struggle refugees to access adequate support services

27. European Commission. 2023. Situation of foreigners, migration and integration in the Czech Republic 2022 Available at: [https://migrant-integration.ec.europa.eu/library-document/situation-foreigners-migration-and-integration-czech-republic-2022_en#:~:text=As%20a%20result%20of%20these%20new%20refugee%20arrivals,\(last%20accessed%202.%20September%202024\).](https://migrant-integration.ec.europa.eu/library-document/situation-foreigners-migration-and-integration-czech-republic-2022_en#:~:text=As%20a%20result%20of%20these%20new%20refugee%20arrivals,(last%20accessed%202.%20September%202024).)

28. UNHCR. 2024. Bi-Annual Fact Sheet May 2024: Czech Republic. Available at: https://www.unhcr.org/cz/wp-content/uploads/sites/20/2024/05/Czechia_Fact-sheet-May-2024_final-v2.pdf

Access to Adequate Social Support Services

Reception Conditions

Asylum seekers arriving at Prague's Vaclav Havel airport are often denied entry and sent to an airport reception center run by the Refugee Facilities Administration of the Ministry of the Interior. There, they have limited access to fresh air and are confined to a small space with constant noise from airplanes. Jana Bedaňová who has been providing legal support at this airport since 2023, describes it as being worse than a prison, due to the lack of natural light and outdoor space and the constant noise of airplanes. She has advised several LGBTIQ asylum seekers whose mental health has deteriorated in this environment, as they feel forced to hide their SOGIESC, due to persistent fears of discrimination.

To date, Bedaňová has assisted four gay/lesbian asylum seekers and one trans* person, noting that their mental health deteriorates in an environment where they must hide their diverse SOGIESC. Bedaňová notes that this fear of disclosure, leads to extreme forms of isolation, depression and suicidal thoughts. Legal support at the airport is also provided by a private law firm contracted by the Ministry of Interior but they are not specifically trained on handling LGBTIQ asylum cases. LGBTIQ asylum seekers who are already in Czechia at the time of making an asylum application, are advised to travel to the reception center in Zastávka u Brna, which offers more freedom of movement and better conditions.

Vulnerability Assessment

While the Czech Asylum Act defines vulnerability based on specific criteria, it lacks a systematic assessment for those facing SOGIESC or discrimination due to gender-based and/or sexualized violence. As a result, many special needs go unrecognized. For instance, Jana Bedaňová recalls a lesbian trafficking victim who was detained at Prague airport due to the lack of proper assessment. Even when LGBTIQ persons disclose their vulnerabilities, they may not be categorized as such, as seen in the case of a Cuban trans* asylum seeker who outed themselves to the social worker at the reception center but was nevertheless not considered vulnerable (Organization for Aid to Refugees - Organizace pro pomoc uprchlíkům). Insufficient training for social workers and police further increases the risk of misidentification.

Physical & Material Safety

Accommodation

In Czechia, asylum seekers are required to stay in a reception centre for initial identification and medical examination, before being moved to an open accommodation center, until their asylum decision is finalized.

These centers allow daytime freedom but require return by evening and provide basic necessities. However, Jana Bedaňová notes that they are not safe for LGBTIQ asylum seekers, as they are often in rural areas with no access to LGBTIQ organizations and LGBTIQ support services. The Organization for Aid to Refugees adds that other asylum seekers, security, and staff often hold homo- and transphobic views, making it difficult for LGBTIQ persons to come out. Special accommodations are rarely considered, and those seeking private housing face high costs and limited availability in Prague²⁹

Detention

Though not officially classified as a detention center, it can be argued that the reception center at Prague's Vaclav Havel Airport operates like one. Nearly all asylum seekers are denied entry and detained there before being sent to open "accommodation centers" in Kostelec n. Orlicí, Bělá-Jezová, or Zastávka u Brna. While Zastávka is open, Bělá-Jezová has been used to detain refugees, including families and minors.³⁰ According to Prague Pride, detention centers are unsafe for LGBTIQ people due to shared facilities and widespread homo-/transphobia. The lack of specialized support and medical care worsens conditions, leading to isolation and depression. LGBTIQ organizations like Prague Pride have no access to these centers and must rely on larger refugee organizations to connect them with LGBTIQ asylum seekers for support.

Access to Physical and Mental Health Support Services

Asylum seekers in reception, detention, and open refugee centers are entitled to basic health services, including initial health checks, primary care, emergency services, and psychological support. However, a lack of proper vulnerability assessments limits access to specialized care, especially for trans* persons. A lawyer from the Organization for Aid to Refugees notes that trans* healthcare exceeds the capacity of current services.

Even recognized refugees outside these centers face barriers to healthcare, such as language issues, discrimination, and long wait times. Accessing specialized services like HRT requires support from NGOs like Prague Pride or Trans Refugee Aid/Transparent, which help with referrals, translation, and finding queer-friendly providers. LGBTIQ refugees usually connect with these NGOs through other refugee organizations or online.

29. Radio Prague International. 2024. Prague housing crisis impacting "more people than it used to before", says expert. 27. March. Available at: <https://english.radio.cz/prague-housing-crisisimpacting-more-people-it-used-says-expert-8812530> (last accessed 5. September 2024).

30. Forced Migration Review. Closed detention in the Czech Republic: on what grounds? Available at: <https://www.fmreview.org/szakacsova/> (last accessed 5. September 2024).

Access to Employment

Recognized refugees, including Ukrainians, have full employment rights in Czechia, while asylum seekers can apply for work permits after six months. In 2023, the employment rate among Ukrainian refugees was 64%, primarily in low-paid and low-skilled jobs.³¹ However, LGBTIQ asylum seekers may face barriers to accessing the labor market due to xenophobia, homo-, and transphobia. Additionally, a volunteer from Trans Refugee Aid/Transparent notes that trans* individuals with mental health challenges risk difficulty finding or maintaining employment.

Access to Justice & Legal Protections

Border Security

Czechia's refugee policy selectively welcomes those fleeing the war in Ukraine while focusing on externalizing EU borders to manage asylum. The country abstained from voting on the EU's Pact on Migration and Asylum, fearing it would weaken efforts to prevent "illegal migration" at EU borders. To this end, Czechia has increased border controls with Poland and Slovakia and detains irregular migrants using it as a transit country.³² Significantly, pushbacks are not limited to land borders; they also occur at airports. In one striking case shared by the Association for Integration and Migration, a Cameroonian asylum seeker was forced to hide in the airport toilets for five days to avoid deportation. This militarized border undermines preventing vulnerability many displaced approach screenings, LGBTIQ persons from being recognized as in need of protection.

Police Protection

Many LGBTIQ asylum seekers struggle to access police protection due to fear of discrimination from law enforcement. Prague Pride notes that some avoid reporting incidents because of mistrust or concerns about respect for their identity. Additionally, LGBTIQ persons in asylum or detention facilities may face harassment or violence from other claimants, making their situation more dangerous. While police intervention is crucial, it is not always effective. However, a representative from Trans Refugee Aid/Transparent reports positive interactions with police during events like the Pride March. Thus, while systemic issues exist, not all police officers hold homo- or transphobic views.

31. Amnesty International. 2023. CZECH REPUBLIC 2023. Available at: <https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/czech-republic/report-czech-republic/> (last accessed 6. September 2024)

32. Radio Prague International. 2024. Czechia not ready to support new draft of EU migration and asylum pact. 2. August. <https://english.radio.cz/czechia-not-ready-support-new-draft-eu-migration-and-asylum-pact-8807948> (last accessed 3. September 2024).

Legal Protection

Czech law prohibits discrimination based on sexual orientation or gender identity, and police are expected to protect all individuals, including LGBTIQ refugees. However, many LGBTIQ asylum seekers are hesitant to seek police protection due to fears of homo-, trans-, and xenophobia. While LGBTIQ rights have improved, with a May 2024 ruling allowing trans* individuals to change their legal gender without surgery, access to HRT remains challenging for trans* asylum seekers.³³ For example, prescriptions issued in Ukraine are not recognized in Czechia, forcing trans refugees to restart the HRT process, which can take three months or longer, leading to mental health challenges. Additionally, Ukrainian trans refugees cannot change their names in Czechia without returning to Ukraine, even if they are already undergoing HRT.

3.2 HUNGARY



LGBTIQ asylum seekers in Hungary encounter significant obstacles due to restrictive asylum processes and anti-LGBTIQ policies. Over the past decade, Hungary's asylum system has become more securitized. In 2015, the government established transit zones that detained asylum seekers, including families and unaccompanied minors, in conditions deemed inhumane by organizations, such as Háttér Society and the Hungarian Helsinki Committee.³⁴ Although these zones closed in 2020, due to a Court of Justice of the EU (CJEU) ruling,³⁵ Hungary's migration policies have since intensified, with irregular migrants being pushed back to Serbia without proper checks, reflecting a more stringent approach to border control.³⁶ Currently, seeking asylum in Hungary is nearly impossible, as all claims must be initiated at Hungarian embassies in Belgrade or Kyiv—locations that can be difficult to access. This process, ruled illegal by the CJEU in 2023,³⁷ has drastically reduced asylum applications, with only 31 claims processed in the same year.³⁸ Additionally, anti-LGBTIQ laws, such as the 2021 Act LXXIX, censors portrayals and promotion of homosexuality and gender reassignment in education and media. This legal environment has led to a lack of support services for LGBTIQ asylum seekers, as many organizations fear government retaliation. The combination of restrictive asylum policies and anti-LGBTIQ legislation creates a hostile environment for those seeking refuge in Hungary.

33. Pink News. 2024. 'I was really scared': Czech trans woman on the reality of forced sterilisation <https://www.thepinknews.com/2024/05/15/czech-trans-woman-forced-sterilisation/#:~:text=A%20trans%20woman%20who%20was%20sterilised%20in%20Czechia> (last accessed 08. October 2024).

34. Hungarian Helsinki Committee. 2023. European Court of Human Rights judgments condemn detention of asylum-seekers in Hungarian transit zones. 9. October. Available at: <https://helsinki.hu/en/european-court-human-rights-condemn-detention-asylum-seekers-transit-zones-hungary/> (last accessed 9. October 2024); Hungarian Helsinki Committee. Helsinki File: Transit zone. Available at: [https://helsinki.hu/en/akta/transit-zone/#:~:text=Transit%20zones%20have%20been%20shut,of%20Human%20Rights%20\(ECTHR\)](https://helsinki.hu/en/akta/transit-zone/#:~:text=Transit%20zones%20have%20been%20shut,of%20Human%20Rights%20(ECTHR)). (last accessed 25. April 2024). 36. European Union Agency for Fundamental Rights. CJEU Case C-823/21 / Judgement. Available at: <https://fra.europa.eu/en/caselaw-reference/cjeu-case-c-82321-judgement> (last accessed 9. October 2024). 37. See: https://www.ksh.hu/stadat_files/nep/hu/nep0026.html (last accessed 9. October 2024)

35. Amnesty International. 2020. Hungary: European Court declares authorities broke EU law by detaining asylum seekers in transit zone. 14. May. Available at: <https://www.amnesty.org/en/latest/news/2020/05/hungary-european-court-declares-authorities-broke-eu-law-by-detaining-asylum-seekers-in-transit-zone/> (last accessed 30. October 2024)

36. Hungarian Helsinki Committee. Helsinki File: Transit zone. Available at: [https://helsinki.hu/en/akta/transit-zone/#:~:text=Transit%20zones%20have%20been%20shut,of%20Human%20Rights%20\(ECTHR\)](https://helsinki.hu/en/akta/transit-zone/#:~:text=Transit%20zones%20have%20been%20shut,of%20Human%20Rights%20(ECTHR)). (last accessed 25. April 2024).

37. European Union Agency for Fundamental Rights. CJEU Case C-823/21 / Judgement. Available at: <https://fra.europa.eu/en/caselaw-reference/cjeu-case-c-82321-judgement> (last accessed 9. October 2024).

38. See: https://www.ksh.hu/stadat_files/nep/hu/nep0026.html (last accessed 9. October 2024).

Access to Adequate Social Support Services

Reception Conditions

According to key informants, Hungary has repeatedly violated the conditions outlined in the EU Reception Directive. Under Hungary's Asylum Act, first-time asylum seekers are entitled to material support and assistance to ensure an adequate standard of living, particularly with regard to their health, for the duration of the asylum process. However, until May 2020, most asylum seekers were detained in transit zone centers where they faced limited access to healthcare and psychological support, and where living conditions were often inadequate.³⁹ CSO's, except for members of the Charity Council, were barred from entering these facilities. LGBTIQ individuals were especially vulnerable, forced to share spaces and interact with staff who held the same homo- and transphobic attitudes that they had hoped to have fled from in their home countries. In May 2020, these detention centers were finally shut down.

Vulnerability Assessment

Section 2(k) of the Hungarian Asylum Act identifies persons with special needs as including 'unaccompanied minors or vulnerable persons, in particular, minor, elderly, disabled persons, pregnant women, single parents raising minors or persons suffering from torture, rape or any other grave form of psychological, physical or sexual violence.' LGBTIQ persons are not listed as vulnerable in Section 2(k), although the list is open-ended. In practice, however, vulnerability assessments were not systematically carried out apart for unaccompanied minors, who were housed separately.

39. Asylum Information Database & European Council of Refugees and Exiles. Conditions in detention facilities Hungary. Available at: <https://asylumineurope.org/reports/country/hungary/detention-asylum-seekers/detention-conditions/conditions-detention-facilities/> (last accessed 9. October 2024).

Physical & Material Safety

Accommodation

In Hungary, the accommodation of asylum seekers has changed significantly; “we used to have reception centers where asylum seekers could stay—but they are now mostly empty,” recalls Tamás Dombos from Háttér Society. These centers, located in remote areas, “basically hid the asylum seekers from the general Hungarian population.” For LGBTIQ asylum seekers, this isolation was particularly challenging, as “the biggest difficulty was that they were in the middle of nowhere, not knowing anyone, no contacts, and no one to talk to.” Today, groups like Budapest Pride provide private accommodations for Ukrainian LGBTIQ refugees under the temporary protection system.

Following the so-called refugee crisis, Hungary established transit zones within detention centers, making it nearly impossible for asylum seekers to access support services.

Access to Physical and Mental Health Support Services

Asylum seekers in Hungary have access to general health care, but specialized treatment in hospitals is only free in emergencies and with a referral. As Dombos explains, “hormone treatments for trans* people are very difficult to access in Hungary, even for Hungarian citizens.” Other necessary care, such as HIV treatment or psychological support, was lacking in the transit zones. The Cordelia Foundation, a key provider of mental health services for survivors of torture, including LGBTIQ individuals, has recently shifted its focus to Ukrainian refugees. A representative notes that “over the last two and a half years, we supported only one Ukrainian refugee that identified as LGBTIQ,” attributing this low number to the fear of discrimination LGBTIQ people experience in Hungary.

Detention

As Dombos explains, “for five years, seeking asylum in Hungary was practically only possible in the transit zone. It was very hard to get in, but even harder to get out.” Described as inhuman container prisons, these zones confined families and unaccompanied minors in metal camps surrounded by barbed wire.⁴⁰ LGBTIQ individuals were particularly vulnerable in this environment. Cut off from trauma sensitive support services, they faced heightened risks of violence, discrimination, and psychological distress. In 2020, the CJEU ruled these zones unlawful, leading to their closure.⁴¹

40. Hungarian Helsinki Committee. 2020. EU Court: Hungary unlawfully detains people in the transit zone and deprives them of a fair asylum procedure. 14. May. Available at: <https://helsinki.hu/en/hungary-unlawfully-detains-people-in-the-transit-zone/> (last accessed 9. October 2024).

41. European Council on Refugees and Exile. 2020. Hungary: Abolishment of Transit Zone Following CJEU Ruling. 22. May. Available at: <https://ecre.org/hungary-abolishment-of-transit-zone-following-cjeu-ruling/> (last accessed 9. October 2024).

Access to Employment

Asylum seekers in Hungary face significant barriers to employment, despite their legal right to work after nine months. The Hungarian Helsinki Committee states that “asylum seekers have the right to work after nine months have passed since the start of their procedure in accordance with the general rules applicable to foreigners. But this right is meaningless in transit zones, where employment access is nonexistent”. This situation exacerbates their challenges, trapping them in a cycle of uncertainty and dependency on limited resources. Refugees gain full employment rights only after their asylum applications are processed and they receive refugee status

Access to Justice & Legal Protections

Border Security

The situation for asylum seekers entering Hungary is extremely challenging and dangerous. Hátter Society and the Hungarian Helsinki Committee cite that there are hundreds of people that are pushed back on the border every day, so the chances of actually entering Hungary are extremely low. Even if you make it through the fence, you're automatically pushed back.⁴² The Hungarian Helsinki Committee that this happens rapidly, often within hours, with no chance to contact a lawyer. Those entering irregularly expelled to Serbia are without any examination, even if they express a need for refugee protection. This process, ruled unlawful by the CJEU, continues despite criticism from the European Commission. Irregular entry is punishable by severe penalties, including up to ten years in prison, and this criminal procedure continues even if an individual has applied for asylum, denying consideration under the non-penalization clause of the 1951 Refugee Convention.⁴³

Police Protection

Since the introduction of pushbacks in Hungary in 2016, police are mandated to informally expel asylum seekers at the border, resulting in hundreds of thousands of instances. According to Hátter Society and the Hungarian Helsinki Committee, this has occurred extensively since 2016. The AIDA country report highlights the issue's scale, revealing that at least 158,565 individuals were pushed back to Serbia in 2022 alone.⁴⁴ This systematic approach to managing asylum seekers not only violates their rights but also raises serious concerns about Hungary's compliance with international refugee laws

42. See also: <https://www.police.hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa> (last accessed 9. October 2024).

43. Asylum Information Database & European Council of Refugees and Exiles. Access to the territory and push backs. Hungary. Available at: <https://asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/> (Last accessed 9. October 2024).

44. European Council of Refugees and Exiles. 2023. 2022 Update AIDA Country Report: Hungary. 20. April. Available at: <https://ecre.org/2022-update-aida-country-report-hungary/> (last accessed 9. October 2024).

Legal Protection

Legal protection for LGBTIQ individuals in Hungary is increasingly precarious. While Hungarian law acknowledges persecution based on sexual orientation, it lacks explicit recognition for gender identity, complicating asylum claims for transgender individuals. Intersex is not a protected category under Hungarian asylum law.⁴⁵ Additionally, recent anti-LGBTIQ legislation – banning same-sex adoption, censoring LGBTIQ topics in education, and defining marriage as between a man and woman – has intensified discrimination, restricting visibility and support.⁴⁶ The government's stance, coupled with a hostile societal environment, undermines the rights and safety of LGBTIQ people.

3.3 POLAND



LGBTIQ asylum seekers in Poland face significant challenges due to the country's conservative stance on LGBTIQ rights and a focus on border security over humanitarian concerns. While there are no official numbers of LGBTIQ asylum seekers and refugees in Poland due to the lack of registration of SOGIESC, they broadly fall into three main groups. The first includes queer refugees from Ukraine, primarily lesbian, bisexual, gender nonbinary, and trans* women. As of November 2023, Poland hosts the second-largest number of Ukrainian refugees under the Temporary Protection Directive, with 957,504 individuals, while Germany has the largest, with 1.2 million refugees.⁴⁷ The second group comprises LGBTIQ persons crossing via the Belarusian border. Most are cisgender gay men moving alone. A total of 6,729 refugees and 948 asylum seekers have been registered by the UNHCR crossing via Belarus by the beginning of 2024.⁴⁸ We Are Monitoring, a coalition of informal initiatives and local residents, provides humanitarian aid and detailed reporting on activities at the Polish-Belarusian border. Since June 2022, they have cited that the majority of attempted border crossings have been by displaced people from Syria (4,414), Somalia (1,352), and Yemen (1,143).⁴⁹ The third group consists of post-2020 Russian displaced persons fleeing anti-LGBTIQ legislation. According to the UNHCR, 2,284 refugees and 1,102 asylum seekers are currently generally registered from Russia.⁵⁰

45. ILGA Europe. Rainbow Map. Hungary. Available at <https://rainbowmap.ilga-europe.org/countries/hungary/> (last accessed 25. September 2024).

46. The Guardian. 2024. US ambassador accuses Hungary's PM of using anti-LGBTQ 'machinery of fear'. 23. June. Available at: <https://www.theguardian.com/world/article/2024/jun/23/us-ambassador-accuses-hungarys-pm-of-using-anti-lgbtq-machinery-of-fear> (last accessed 9. October 2024).

47. UNHCR. Operational Data Portal. Ukraine Refugee Situation. Available at: <https://data.unhcr.org/en/situations/ukraine/location/10785> (last accessed 16. July 2024); UNHCR. 2024. Bi-annual fact sheet 2024 02: Poland. February. Available at: <https://www.unhcr.org/media/bi-annual-factsheet-2024-02-poland> (last accessed 7. October 2024).

48. Ibid.

49. We Are Monitoring. 2024. Interactive dashboards. Available at <https://wearemonitoring.org.pl/en/statistics/interactive-dashboards/> (last accessed 7. October 2024).

50. Ibid.

Poland has seen a surge in pushbacks and a growing trend of criminalizing refugee advocacy groups, leading to the prosecution and harassment of civil society activists and humanitarian workers providing essential support to displaced people at the border. This crackdown is severely restricting medical and humanitarian organizations' access, thus limiting essential assistance to those in need.⁵¹ In response, Amnesty International has called to decriminalize such activities, while anti-refugee sentiments in public discourse are fueled by fears of healthcare system burdens and job competition, often intertwined with anti-Muslim rhetoric. Despite hopes for reform under a new government, skepticism persists due to ongoing hostility toward migration and LGBTIQ rights.

Access to Adequate Social Support Services

Reception Conditions

In theory, asylum seekers in Poland are entitled to material reception conditions during the processing of their claims, provided they register within two days. However, the humanitarian crisis at the Polish-Belarusian border has left many without access to this crucial support.⁵² AIDA outlines that most asylum seekers are placed in guarded centers or detention facilities resembling prisons, with severe restrictions on freedom and health services.⁵³ LGBTIQ asylum seekers face extreme isolation, often forced to hide their identities, and are at increased risk of trauma. As Queer Without Borders states, "LGBTIQ asylum seekers are often suicidal due to the horrible conditions they are facing." CSO's are frequently barred from these centers, thus maintaining and exacerbating and the continuum of systemic exclusion.

Vulnerability Assessment

There are only minimal vulnerability assessments or screenings performed at the Polish borders and these mostly concern people with disabilities, the elderly, pregnant women and single parents. There are no separate accommodation centres for traumatized asylum seekers, or other vulnerable persons. Sexual orientation and gender identity are not part of the vulnerability assessment.

51. Human Rights Watch. 2022. Violence and Pushbacks at Poland-Belarus Border. 7. June. Available at: <https://www.hrw.org/news/2022/06/07/violence-and-pushbacks-poland-belarus-border> (last accessed 26. April 2024); ILGA Europe. 2021. Poland Anti LGBT Timeline. Available at: <https://www.ilga-europe.org/report/poland-anti-lgbti-hate-timeline/> (last accessed 7. October 2024).

52. Asylum Information Database. Criteria and restrictions to access reception conditions. Poland. Country Report. Available at: <https://asylumineurope.org/reports/country/poland/reception-conditions/access-and-forms-reception-conditions/criteria-and-restrictions-access-reception-conditions/> (accessed 26. April 2024).

53. Asylum Information Database. Place of Detention. Poland. Country Report. Available at: <https://asylumineurope.org/reports/country/poland/detention-asylum-seekers/detention-conditions/place-detention/> (accessed 26. April 2024).

Physical & Material Safety

Accommodation

Once LGBTIQ individuals leave reception or detention centers, they urgently need safe housing near LGBTIQ support services. According to Queer Without Borders, rising rent prices have made housing unaffordable, even for Polish citizens. For refugees relying on minimal stipends, finding suitable rentals is noted by extremely challenging, as noted by Warsaw House Foundation: “Accommodation is key! You can’t offer any services if they don’t have a place to stay! Many end up in accommodations that may be queer, homo-, or transphobic.” The Warsaw House Foundation provides safe housing for LGBTIQ migrants, including Ukrainians, along with career counseling and mental health referrals. From July 1, 2024, Poland shifted from cash benefits for Ukrainian refugees to a centralized accommodation support model.⁵⁴

Detention

Detention is possible in law and in practice in all asylum procedures, especially for unlawful border crossings, as seen with migrants at the Polish-Belarusian border in 2021 and 2022. According to AIDA, many asylum applications were only registered while in detention, where individuals may wait for up to twenty months.⁵⁵ CSO’s are barred from these centers, limiting essential legal and psychological support, which contributes to severe trauma and suicide attempts. Access to detention centers for CSO’s is critical, as their support could mitigate some of these challenges. Consequently, many detainees express a desire to leave Poland upon release, complicating engagement with necessary services. Vulnerable groups, including LGBTIQ persons, face additional challenges, as they must conceal their identities to avoid homophobia and transphobia.

54.. Ministry of the Interior and Administration. 2024. Changes to rules concerning supporting Ukrainian war refugees effective as of 1 July. Available at: <https://www.gov.pl/web/mswia-en/changes-torules-concerning-supporting-ukrainian-war-refugees-effective-asof-1-july> (accessed 6. October 2024).

55. Ibid.

Access to Physical and Mental Health Support Services

Ukrainian LGBTIQ asylum seekers and refugees encounter significant healthcare barriers in Poland. Accessing hormones is easier in Ukraine, while difficulties in Poland can jeopardize transitions, necessitating support for de-transitioning (Queer Without Borders). Although war refugees can access antiretroviral therapy (ART), many struggle to find information about it. Stigma often prevents them from disclosing their HIV status, and language barriers complicate access to appointments. As noted by AIDS Healthcare Foundation Poland, fear of homo- and transphobia discourages many from seeking help, while limited mental health services, often only available in Polish or Russian, further hinder effective communication. Even when healthcare is accessible, the quality of services in guarded facilities raises concerns about reproductive health and HIV/STI treatment.

Access to Employment

In Poland, asylum seekers can access the labor market after six months if their application is pending due to no fault of their own.⁵⁶ However, those arriving through the Belarusian border face significant barriers, excluding them from employment opportunities. While Ukrainian refugees under the Temporary Protection Directive have full labor access, they may encounter challenges with language and recognition of educational qualifications. This disparity highlights systemic inequities in the asylum system, leaving many vulnerable asylum seekers unable to support themselves and integrate into Polish society.

Access to Justice & Legal Protections

Border Protection

In 2017, Belarus implemented a visa-free program for 76 countries, allowing stays of up to 30 days. Since then, a humanitarian crisis has unfolded at the Polish-Belarusian border, specifically, since 2021. Many migrants have attempted to cross into the EU through this border, facing significant violations of their human rights. A representative from Amnesty International Poland has reported that Polish border guards are conducting “extensive pushbacks of migrants,” often ignoring and dismissing asylum claims. According to weekly data collected by We Are Monitoring, the number of pushbacks has reached 10,292 and continues to rise.⁵⁷

56. Asylum Information Database. Access to the Labor Market. Poland. Country report. Available at: <https://asylumineurope.org/reports/country/poland/reception-conditions/employment-and-education/access-labour-market/> (accessed 26. April 2024).

57. We Are Monitoring. 2024. Interactive dashboards. Available at <https://wearemonitoring.org.pl/en/statistics/interactive-dashboards/> (last accessed 7. October 2024).

Those pushed back are often approached during the night and abandoned in the forest, leading to fatal consequences. Since March 2024, 116 border deaths have been recorded across Belarus, Latvia, Lithuania, and Poland, with migrants reporting an additional 26 cases in their testimonies.⁵⁸ A long the Polish-Belarusian border, We Are Monitoring have reported 87 fatalities since 2021.⁵⁹ Despite a change in government in Poland, abuses persist, including incidents where border guards have been accused of destroying migrants' phones. In this context, Queer Without Borders highlights that the situation is particularly dangerous for LGBTIQ individuals, who, when entering through Belarus, face a "difficult and dramatic" coming-out process. Phones can store crucial evidence of mistreatment or abuse that displaced persons may encounter along their journey, which could be essential for legal proceedings or asylum claims. Destroying phones not only leaves displaced people in a state of isolation and disempowerment, but also contributes to a broader pattern of making abuses invisible, as they lose the ability to document and report mistreatment. This practice further entrenches the pervasive lack of accountability that has become deeply embedded at border.

Police Protection

Amnesty International Poland reports that Polish authorities have targeted LGBTIQ individuals with stigmatizing rhetoric and obstructed their efforts to protest.⁶⁰ While Polish law mandates that the police provide safety and public order for everyone within the country's territory, including asylum seekers and refugees, police protection - especially at the border - is often inadequate.

Legal Protection

It has been noted by Queer Without Borders that "migration and LGBTIQ rights and policies in Poland are mere declarative. There is no anti-discrimination law for LGBTIQ people in Poland." Those claiming asylum through irregular routes face dire challenges; as Amnesty International Poland explains, "if you come across the Belarus-Poland border then there is no regular way of claiming asylum and you are most likely pushed back." While LGBTIQ Ukrainian refugees receive temporary protection status, Poland's lack of explicit recognition for LGBTIQ people under the Geneva Convention results in "increased pushbacks at the Polish-Belarusian border" (Queer Without Borders), underscoring the urgent need for legal reform.

58. I Want to Help Refugees. (2024). No safe passage. Migrants' deaths at the European Union. https://gribupalidzetbegliem.lv/wp-content/uploads/2024/07/ENG_No-Safe-Passage.-Migrants-deaths-at-the-European-Union-Belarusian-border.pdf (accessed 08. October 2024).

59. We Are Monitoring. 2024. Interactive dashboards. Available at <https://wearemonitoring.org.pl/en/statistics/interactive-dashboards/> (last accessed 7. October 2024).

60. Amnesty International. 2022. Poland: Authorities must stop hateful rhetoric against LGBTI people and act to protect them from violence and discrimination. 20. July. Available at: <https://www.amnesty.org/en/latest/news/2022/07/poland-authorities-must-stop-hateful-rhetoric-against-lgbti-people-and-act-to-protect-them-from-violence-and-discrimination/> (accessed 7. October 2024).

3.4 ROMANIA



Romania's migration policies are influenced by its EU membership and its location on the eastern edge of the Schengen area. As a new member of the Schengen zone (only by air), Romania plays a key role in managing EU migration flows from non-EU countries. Romania's stance on immigration is generally cautious, with a registered total of 139,082 refugees, 1,918 asylum seekers, and 294 stateless persons as of the UNHCR midterm report of 2024.⁶¹ Most refugees are Ukrainians, with smaller numbers from Syria and Somalia, and with many viewing Romania as a transit country. Cristina Săracu, founder of the LGBTIQ organization Includiune pe Bune located in Timișoara, attributes this to the lack of governmental support and employment opportunities for asylum seekers, prompting them to move to Western Europe.

LGBTIQ asylum seekers in Romania face significant challenges due to conservative social attitudes and support systems for LGBTIQ asylum seekers and refugees are limited.⁶² However, since the Russian invasion of Ukraine in February 2022, funding from international organizations has helped expand refugee services offered by LGBTIQ organizations like MosaiQ, which are often promoted through social media. Although this funding has dwindled and many Ukrainian refugees have moved on, the professionalization of LGBTIQ-specific support services is now benefiting other marginalized groups, including LGBTIQ Roma.

61. UNHCR. 2024. Romania bi-annual fact sheet: February 2024. Available at: <https://www.unhcr.org/sites/default/files/2024-03/bi-annual-fact-sheet-2024-02-romania.pdf> (last accessed 17. September 2024).

62. European Union. 2019. Discrimination in the European Union. Available at: <https://europa.eu/eurobarometer/surveys/detail/2251> (last accessed 17. September 2024).

Access to Adequate Social Support Services

Reception Conditions

Asylum seekers in Romania can declare their intent to seek asylum at the border, airport, or upon entry, either to border police or immigration officials, and within the country at one of six regional reception centers or police stations. The process begins with a preliminary interview to share personal details and reasons for seeking asylum. However, many LGBTIQ asylum seekers face rejection after the first interview due to disbelief in their claims, leading to lengthy appeals. Asylum seekers are usually placed in overcrowded and poorly equipped regional reception centers, where 93% lived in 2023, with only 6% living independently.⁶³ Before the Temporary Protection Directive took effect on March 4, 2022, the LGBTIQ organization MosaiQ collaborated with groups in Moldova and Hungary to provide legal counsel and assistance for refugees heading to Western Europe, as well as establishing a hotline and creating a guide for LGBTIQ refugees in Romania.⁶⁴

Vulnerability Assessment

Romania lacks a systematic procedure for vulnerability assessment and it only recognizes certain categories of vulnerable persons, including minors, the disabled, and victims of human trafficking. However, SOGIESC is not specifically addressed in this assessment. LGBTIQ individuals disproportionately experience trauma, depression, and anxiety due to discrimination and violence. In 2023, the General Inspectorate for Immigration reported 939 vulnerable individuals, with only eight classified as such due to violence (details unspecified).⁶⁵ To better address specific needs, the LGBTIQ organization MosaiQ conducts its own internal vulnerability assessment, based on which the organization establishes protocols for housing, healthcare, psychological, and legal support. However, MosaiQ is not equipped to handle cases of gender-based and sexualized violence, which are referred to other organizations like Accept.

63. Asylum Information Data Base (AIDA). Conditions in Reception Facilities. Romania. Available at: https://asylumineurope.org/reports/country/romania/reception-conditions/housing/conditions-reception-facilities/#_ftn10 (last accessed 18. September 2024) and UNHCR, 2024, Regional Protection Monitoring Report Romania, 28 March. Available at: <https://data.unhcr.org/en/documents/details/107561> (last accessed 18. September 2024).

64. MosaiQ. Welcome! A Guide for LGBTQIA+ Refugees in Romania. Available at: https://www.mozaiqlgbt.ro/wp-content/uploads/2022/10/Ghid-Refugiati-EN-2_compressed.pdf (last accessed 8. October 2024). 64. Asylum Information Database. Identification. Romania. Available at: <https://asylumineurope.org/reports/country/romania/asylum-procedure/guarantees-vulnerable-groups/identification/> (last accessed 18. September 2024).

65. Asylum Information Database. Identification. Romania. Available at: <https://asylumineurope.org/reports/country/romania/asylum-procedure/guarantees-vulnerable-groups/identification/> (last accessed 18. September 2024).

Physical & Material Safety

Accommodation

The Romanian government provides free housing for asylum seekers and refugees through reception centers and shelters, which has been increased due to Ukrainian refugee inflows. Emergency housing is also offered by organizations like the UN International Organization for Migration and the Romanian Red Cross. However, government payments to private hosts have led to rising rents in major cities. LGBTIQ from refugees organizations often like seek help MosaiQ for accommodation, healthcare, and legal support. Immediately after the Russia's invasion into Ukraine, MosaiQ received up to six accommodation requests daily. Despite efforts to secure safe housing, available options are often unsafe due to discrimination risks. MosaiQ was able to formalize its services towards LGBTIQ Ukrainian refugees with ILGA Europe funding and convert two rented apartments into secure shelters equipped with necessary facilities.

Detention

In Romania, refugees and asylum seekers are typically not detained unless considered security risks or subject to deportation, though they may be housed in closed reception or detention facilities during the asylum process under specific circumstances. There is no available data on the number of detained LGBTIQ asylum seekers.

Access to Physical and Mental Health Support Services

Romania's healthcare system is accessible to all refugees and asylum seekers, including LGBTIQ individuals, who are entitled to medical services under Romanian law. NGOs like MosaiQ and Accept advocate for equitable healthcare access, but specialized care, particularly treatments like gender-affirming hormone replacement therapy (HRT), is limited. Cristina Săracu highlights the lack of LGBTIQ sensitivity noting that among doctors, "99% [of doctors] don't know what a trans person is," which complicates access to HRT.

Access to Employment

Asylum seekers can work after their application has been pending for over three months. Once granted refugee status, they have full access to the labor market like Romanian citizens. However, many face challenges integrating due to language barriers, unrecognized qualifications, and a generally low labor market participation, often working in low-skilled jobs like food delivery (MozaiQ and Includiune pe Bune).

Access to Justice & Legal Protections

Border Protection

Asylum seekers in Romania can declare their intent to seek asylum at the border, airport, or upon entry, either to border police or immigration officials, and within the country at one of six regional reception centers or police stations. The process begins with a preliminary interview to share personal details and reasons for seeking asylum. However, many LGBTIQ asylum seekers face rejection after the first interview due to disbelief in their claims, leading to lengthy appeals. Asylum seekers are usually placed in overcrowded and poorly equipped regional reception centers, where 93% lived in 2023, with only 6% living independently.⁶³ Before the Temporary Protection Directive took effect on March 4, 2022, the LGBTIQ organization MosaiQ collaborated with groups in Moldova and Hungary to provide legal counsel and assistance for refugees heading to Western Europe, as well as establishing a hotline and creating a guide for LGBTIQ refugees in Romania.⁶⁴

Legal Protection

In Romania, police protection for LGBTIQ individuals is often inconsistent and inadequate, despite laws prohibiting discrimination based on sexual orientation. Advocacy groups report that police frequently dismiss or are indifferent to violence and hate crimes against LGBTIQ individuals. While there have been some improvements, especially in policing LGBTIQ Pride events, trust in law enforcement remains low due to ongoing homophobia within the police force. For instance, an ILGA Europe report highlights that hate crimes against LGBTIQ persons are often unrecorded and improperly addressed.⁶⁵ This lack of trust adversely affects LGBTIQ refugees and asylum seekers, many of whom have their SOGIESC asylum claims rejected due to disbelief.

63. Asylum Information Data Base (AIDA). Conditions in Reception Facilities. Romania. Available at: https://asylumineurope.org/reports/country/romania/reception-conditions/housing/conditions-reception-facilities/#_ftn10 (last accessed 18. September 2024) and UNHCR, 2024, Regional Protection Monitoring Report Romania, 28 March. Available at: <https://data.unhcr.org/en/documents/details/107561> (last accessed 18. September 2024).

64. MosaiQ. Welcome! A Guide for LGBTIQ+ Refugees in Romania. Available at: https://www.mozaiqlgbt.ro/wp-content/uploads/2022/10/Ghid-Refugiati-EN-2_compressed.pdf (last accessed 8. October 2024). 64. Asylum Information Database. Identification. Romania. Available at: <https://asylumineurope.org/reports/country/romania/asylum-procedure/guarantees-vulnerable-groups/identification/> (last accessed 18. September 2024).

65. ILGA Europe. 2023. Annual Review of The Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People. Romania. Available at: https://www.ilga-europe.org/files/uploads/2024/02/2024_romania.pdf (last accessed 20. September 2024).

Legal Protection

Legal protections for LGBTIQ individuals in Romania remain limited. While homosexuality was decriminalized in 2001, enforcement of anti-discrimination laws has been inconsistent.⁶⁸ ILGA reports that there has been a steady rise in hate crimes since the passage of a propaganda Bill in August 2024.⁶⁹ Same-sex marriages and civil unions are not recognized, creating challenges for bi-national couples, as Ukrainian partners can stay under the Temporary Protection Directive, while their non-Ukrainian partners face deportation or complicated asylum processes. Additionally, trans* individuals encounter lengthy procedures for legally changing their gender and accessing specific healthcare, highlighting ongoing legal and social barriers to LGBTIQ rights in Romania.

3.5 SLOVAKIA



Landlocked between Hungary, Austria, Czechia, Poland, and Ukraine, Slovakia serves as a transit country for displaced persons. By September 1, 2024, over 2.5 million people crossed the Ukrainian border, yet only 103,409 Ukrainians are registered under the Temporary Protection Directives. Additionally, the country hosts a small number of refugees from Afghanistan and the Russian Federation, along with asylum seekers from countries like Bangladesh.⁷⁰ This reflects Slovakia's reluctance to accept non-Ukrainian refugees, particularly from Muslim-majority countries, often perceived as security threats. A 2017 poll indicates that over 70% of respondents opposed accepting refugees from the Middle East and North Africa, with the government resisting EU mandatory refugee quotas.⁷¹ Furthermore, Slovakia maintains a conservative stance on LGBTIQ issues, denying marriage, civil partnerships and adoption rights and restricting trans* rights. Lacking specialized LGBTIQ services, asylum seekers and refugees depend on organizations like Gender Stream, which supports Ukrainian LGBTIQ refugees in Slovakia and which are mainly run by fellow displaced persons.⁷² However, funding for such organizations is increasingly limited. In early 2024, the Culture Ministry announced cuts to Pride event funding, stating the need to "return to normality." Due to limited data on non-Ukrainian LGBTIQ experiences, this report emphasizes the experiences of Ukrainian LGBTIQ services within the context of available support services in Slovakia.

68. Council of Europe. 2023. Hate Crimes and Other Hate Motivated Incidents Against LGBTI People in Romania. January. Available at: <https://rm.coe.int/2022-thematic-review-romania-report-en/1680accb15> (last accessed 19. September 2024). 69. ILGA Europe. 2023. Anti-LGBTI Violence In Europe and Central Asia: The Numbers. 9. March. Available at: <https://www.ilga-europe.org/blog/anti-lgbti-violence-europe-central-asia-numbers/> (last accessed 17. September 2024).

69. ILGA Europe. 2023. Anti-LGBTI Violence In Europe and Central Asia: The Numbers. 9. March. Available at: <https://www.ilga-europe.org/blog/anti-lgbti-violence-europe-central-asia-numbers/> (last accessed 17. September 2024).

70. UNHCR. Bi-annual fact sheet 2024 02: Slovakia. Available at: <https://www.unhcr.org/media/bi-annual-fact-sheet-2024-02-slovakia> (last accessed 7. October 2024).

71. Galanská, Nina & Zuza Boselová. 2018. The Wages of Fear, Attitudes Towards Refugees and Migrants in Slovakia. Foundation Institute of Public Affairs. Warsaw. Available at: https://www.britishcouncil.pl/sites/default/files/slovakia_pop_1.pdf (last accessed 10. September 2024).

72. Gender Stream. 2023. LGBTIQ Refugees from Ukraine to the EU Countries: Challenges And Needs. Available at: <https://genderstream.org/en/projects/research/> (last accessed 11. September 2024).

Access to Adequate Social Support Services

Reception Conditions

After making an asylum claim in Slovakia, claimants are transferred to a closed reception center for an initial interview and medical examination. Once completed, they can request temporary leave. During their stay, which typically lasts 3-4 weeks, asylum seekers have access to legal support, urgent medical care, pocket money, and social counseling. The Slovak Humanitarian Council provides additional support that includes psychological counselling and Slovak language classes. LGBTIQ asylum seekers and refugees, including those fleeing Ukraine since 2022, may also be housed in these centers, but conditions are not LGBTIQ friendly, particularly for trans* persons due to a lack of privacy and shared facilities.⁷³

Homophobic and transphobic attitudes in Slovakia prevent LGBTIQ asylum seekers and refugees from disclosing their identities. Under the 2024 amendment to the "Lex Ukraine" law, state accommodation support for Ukrainian refugees is limited to a period of 120 days.

Vulnerability Assessment

Displaced LGBTIQ people from Ukraine face heightened risks due to homophobia and transphobia, gender-based and sexualized violence, and unmet medical and accommodation needs. However, the Slovak Asylum Act doesn't recognize sexual orientation or gender identity as categories of vulnerability, rendering LGBTIQ persons invisible in vulnerability assessments. As a result, they lack access to specialized services unless they fit one of the established categories, such as "being in material need" or having "severe disabilities". A UNHCR commission report on Ukrainian refugees in Slovakia, most of whom applied under the EU Temporary Protection Directive, also does not address sexual orientation or gender identity. According to the report, "LGBTIQ asylum seekers in Slovakia face severe challenges in being recognized as vulnerable or persecuted under the Slovak Asylum Act."⁷⁴

73. UNHCR. Help Slovakia. Asylum in Slovakia. Available at: [https://help.unhcr.org/slovakia/asylum/#:~:text=If%20you%20are%20already%20in,claims%20\(Foreigners%20Police%20Department\)](https://help.unhcr.org/slovakia/asylum/#:~:text=If%20you%20are%20already%20in,claims%20(Foreigners%20Police%20Department)) (last accessed 11. September 2024).

74. UNHCR. 2024. Analysis of Vulnerability to Meet Basic Needs for Ukrainian Refugees in Slovakia. Available at: <https://data.unhcr.org/en/documents/details/109369> (last accessed 11. September 2024).

Physical & Material Safety

Accommodation

Slovakia has been crucial in housing Ukrainian refugees through a combination of government, grassroots, and trans- and international initiatives (IOM, UNHCR).⁷⁴ Initial efforts included establishing temporary shelters and converting hotels, with many refugees finding housing in private homes and NGO-run facilities. However, Slovakia's omission of diverse SOGIESC in vulnerability assessments means that LGBTIQ refugees' needs are often overlooked.

In response, Gender Stream launched a shelter program, providing temporary accommodation to queer Ukrainian refugees: "here, in Bratislava, they had the opportunity to express themselves freely," said a representative. Despite receiving over 200 applications via social media in response to the last call for application, the program ended in early 2024 due to funding shortages. As of July 1, 2024, refugee accommodation under the Slovak Asylum Act is limited to 120 days unless classified as vulnerable.⁷⁵

Detention

Slovakia operates immigration detention centers where asylum claimants and refugees may be held if they fail to meet legal entry requirements or if their status is under review. In September 2023, Slovak authorities reported a nine-fold increase in the detention of irregular migrants, reaching over 27,000 detainees.⁷⁶ Slovakia, like other EU countries, has tried to avoid detaining Ukrainian refugees under the Temporary Protection Directive.

As a result, data on the situation or specific needs of LGBTIQ refugees in these centers is currently unavailable.

74. IOM. 2024. Ukraine & Neighbouring Countries 2022-2024. 2 Years of Response. Available at: https://www.iom.int/sites/g/files/tmzbd1486/files/documents/2024-02/iom_ukraine_neighbouring_countries_2022-2024_2_years_of_response.pdf (last accessed 8. October 2024)

75. Gender Stream. Restart Program. Available at: <https://genderstream.org/en/projects/restart-program/> (last accessed 11. September 2024)

76. Info Migrants. 2023. Slovakia: Border controls tighten following elections. 4. October. Available at: <https://www.infomigrants.net/en/post/52308/slovakia-border-controls-tighten-following-elections> (last accessed 12. September 2024).

Access to Physical and Mental Health Support Services

Ukrainian refugees in Slovakia can access public health insurance with temporary protection status, but full healthcare services, such as specialists and hospitals, are only available if earning over €646/month. Otherwise, only necessary care is provided.⁷⁸ LGBTIQ refugees face additional barriers like language, stigma, and discrimination, particularly in more socially conservative regions. Non-heterosexual couples cannot access IVF treatment, and trans* healthcare options are limited, HRT is private and gender transition requires sterilization.⁷⁹

Gender Stream provided HRT to trans* Ukrainian refugees through Western European medical donations and partnered with the Equita clinic in Bratislava, with which they worked towards sensitizing staff to queer issues at the time of partnering. Yet, as Gender Stream noted, “access to good healthcare for LGBTIQ Ukrainians is difficult unless they have private insurance or can pay.” Psychological support under the Temporary Protection Directive is theoretically available, but access to mental health professionals is scarce in border areas. Gender Stream offers LGBTIQ-specific counseling, providing usually up to four free sessions for affiliated Ukrainian refugees, depending on funding.

Access to Employment

Ukrainian refugees with temporary protection status in Slovakia have the legal right to work, but face difficulties due to language barriers. Most well-paid jobs require proficiency in Slovak, and professional and educational qualifications from Ukraine are often not recognized. A representative of Gender Stream noted that some LGBTIQ clients have kept their jobs in Ukraine, working remotely or pursuing studies instead. While highly skilled, many are forced into less desirable, physically demanding positions due to these barriers.

78. European Union Agency for Fundamental Rights. 2023. Fleeing Ukraine: Implementing temporary protection at local levels. 12. December. Available at: <https://fra.europa.eu/en/publication/2023/fleeing-ukraine-temporary-protection?page=6#:~:text=That%20entitles%20them%20to%20statutory,get%20medically%20indicated%20necessary%20care>. (last accessed 6. October 2024).

79. DW. 2024. Slovakia: Surgery once again a condition for gender change. 12. January. Available at: <https://www.dw.com/en/slovakia-surgery-once-again-a-condition-for-gender-change/a-67961893#:~:text=New%20minister%20revokes%20guidelines&text=The%20guidelines%20which%20made%20access,after%20it%20came%20to%20power> (last accessed 12. September 2024).

Access to Justice & Legal Protections

Border Protection

Austria, Hungary, Poland, and Czechia, and a non-Schengen border with Ukraine. Border control has tightened since the parliamentary elections in September 2023. Slovakia has invested in advanced surveillance systems like cameras, drones, and thermal imaging to monitor irregular crossings and smuggling activities. This has led to increased detentions of irregular migrants.⁸⁰ While LGBTIQ Ukrainians can cross Slovak borders via regular checkpoints with relatively low risk, there is no data on the experiences of non-Ukrainian LGBTIQ people, who, according to Gender Stream, remain “invisible within the larger data in irregular migration.”

Police Protection

While Slovak law prohibits discrimination based on sexual orientation and gender identity in areas like employment, education, healthcare, and access to goods and services, hate crime rates are rising, and police protection remains inadequate.⁸¹ An ILGA Europe report highlights growing concerns among civil society regarding escalating anti-LGBTIQ political rhetoric and law enforcement’s insufficient responses to hate crimes. Police often lack sensitivity to LGBTIQ issues and may exhibit homo- or transphobic attitudes. Consequently, the LGBTIQ community faces significant challenges, including underreporting of incidents, secondary victimization, and a general lack of trust in law enforcement.⁸²

Legal Protection

Slovakia adopts a conservative stance on LGBTIQ rights, with same-sex couples lacking the ability to marry, enter official partnerships, or adopt children. Trans* individuals encounter significant barriers to legal gender recognition, often requiring sterilization. Following a tragic attack in a Bratislava bar in 2022 that resulted in the deaths of two young LGBTIQ individuals, activists called for reform, but progress has been slow.⁸³ Currently, the Slovak National Party is advocating for an anti-LGBTIQ school bill that would impose fines of up to EUR 30,000 on schools promoting pro-LGBTIQ speech.⁸⁴

80. Reuters. 2023. Slovakia’s neighbours boost border checks to stem illegal migrant flows. 3. October. Available at: <https://www.reuters.com/world/europe/czech-republic-poland-introducing-checks-border-with-slovakia-2023-10-03/> (last accessed 12. September 2024).

81. ILGA Europe. Rainbow Map. Slovakia. Available at: <https://rainbowmap.ilga-europe.org/countries/slovakia/> (last accessed 12. September 2024).

82. ILGA Europe. Annual Review of The Human Rights Situation of Lesbian, Gay, Bisexual, Trans, And Intersex People in Slovakia Covering the Period of January to December 2021. Available at: <https://www.ilga-europe.org/sites/default/files/2022/slovakia.pdf> (last accessed 12. September 2024).

83. Amnesty International. 2022. Slovakia: Solidarity march planned after two LGBTI people killed in Bratislava. 26. October. Available at: <https://www.amnesty.org/en/latest/news/2022/10/slovakia-solidarity-march-planned-after-two-lgbti-people-killed-in-bratislava/> (last accessed 6. October 2024).

84. EURACTIV. 2024. Slovak National Party pushes anti-LGBTI+ school bill, echoing Hungarian controversy. 6. September. Available at: <https://www.euractiv.com/section/politics/news/slovak-national-party-pushes-anti-lgbti-school-bill-echoing-hungarian-controversy/> (last accessed 12. September 2024).

4. POLICY BRIEF

The following policy and programming recommendations are based on the insights gained in conversation with service providers for LGBTIQ asylum seekers and refugees in Hungary, Poland, Slovakia, Czechia, and Romania. A detailed analysis of the service needs and challenges LGBTIQ displaced people face in accessing these services in the five country contexts, can be found in the previous sections of this report. Generally, the provision of support services for LGBTIQ asylum seekers and refugees are marked by significant inequalities, particularly between Ukrainian and non-Ukrainian displaced persons. Following the Russian invasion of Ukraine, humanitarian aid, including services for LGBTIQ people, was scaled up substantially. However, this expansion primarily benefits Ukrainian refugees, leaving marginalized minorities and non-Ukrainian LGBTIQ people with limited support. Additionally, the bureaucratic hurdles faced by LGBTIQ organizations in accessing inter- and transnational funding further restrict the availability of services for these groups. Compounding these challenges is a lack of inclusive, disaggregated data on SOGIESC. Many LGBTIQ asylum seekers and refugees are hesitant to disclose their queer identity, due to reasons such as security concerns, shame and trauma, while organizations struggle with data collection, leading to underreporting and challenges in justifying their work to potential donors.

This data gap undermines efforts to effectively target services, secure funding, and advocate for policy changes, ultimately leaving many LGBTIQ asylum seekers and refugees underserved and "invisible." Notwithstanding this, as highlighted by key informants, one of the main arguments used to reject asylum claims of LGBTIQ asylum seekers is 'late' disclosure of their SOGIESC status. This brief addresses these shortcomings by firstly, making specific policy recommendations that are in line with European Asylum Law, and in particular, the Reception Conditions Directive (Directive 2013/33/EU). The Reception Conditions Directive aims to ensure that all asylum seekers and refugees in the EU are treated with dignity and respect, and that their fundamental rights are protected throughout the asylum process regarding their material needs, special vulnerability needs, health care, accommodation, employment and legal assistance and support. Secondly, this brief offers detailed inclusion-focused programming directions for local, national and international organizations working in the humanitarian, and/or refugee sector.

4.1 POLICY RECOMMENDATIONS: *IN LINE WITH THE EU RECEPTION CONDITIONS DIRECTIVE*

Reception Conditions

Inadequate Reception Conditions for LGBTIQ Asylum Seekers and Refugees

LGBTIQ refugees in Central and Eastern Europe face inadequate reception conditions due to a lack of safe living spaces, specialized support services, insufficient referral mechanisms, and limited access to LGBTIQ-inclusive physical and mental health care, leading to severe mental health challenges and forms of extreme isolation. The absence of formal partnerships between refugee facilities and LGBTIQ organizations hamper effective referrals to much needed services such as psychological support and legal aid. Furthermore, LGBTIQ refugees in remote and isolated areas, including those living with HIV or facing trauma from gender-based violence, struggle to access appropriate health services due to the lack of targeted protocols and inclusive facilities in these locations.

Lack of Proper Vulnerability Screening at the Reception Stage

LGBTIQ refugees should never feel forced to disclose their diverse SOGIESC. However, self-disclosure can be extremely difficult for LGBTIQ refugees and asylum seekers due to numerous barriers. Many fear persecution stemming from lifelong experiences of shame, guilt, and even criminalization of their identities in their respective country of origin. This fear is often compounded by their experiences as asylum seekers and refugees, where cultural stigma and insecurity within reception centres or camps may make it unsafe to disclose their SOGIESC. In addition, the trauma of displacement and potential mental health issues can make coming out emotionally difficult, even in relatively supportive environments. There is a constant fear that revealing this information could lead to further violence, alienation from their host communities, or jeopardize their asylum claims, particularly in settings where staff or fellow refugees may harbor hostile attitudes. Studies show that up to 65% of LGBTIQ displaced persons arriving to the EU meet the diagnosis for post-traumatic stress disorder, have or discrimination experienced violence based on their identity, which further hinders their willingness to disclose their SOGIESC.⁸⁴

84. E.J. Alessi, S. Kahn, B. Greenfield, et al., 2014. 'A Qualitative Exploration of the Integration Experiences of LGBTQ Refugees Who Fled from the Middle East, North Africa, and Central and South Asia to Austria and the Netherlands. Available at: <https://www.sogica.org/database/alessi-et-al-a-qualitative-exploration-of-the-integration-experiences-of-lgbtq-refugees-2018/> (last accessed 12. September 2024).

Recommendations

Create Clear Referral Mechanisms to LGBTIQ Organizations

Establish formal partnerships and referral systems between refugee facilities and LGBTIQ organizations, similar to existing practices for other vulnerable groups like trafficking survivors. This would allow reception facilities to quickly and effectively connect LGBTIQ refugees and asylum seekers to specialized services, such as psychological support and legal aid, thereby enhancing the overall quality of care and support. Clear guidelines should be put in place to ensure that all staff know how and when to refer individuals to these organizations.

Establish Safe and Accessible Physical and Mental Health Services In and Around Refugee Accommodation Centers

Improve access to physical and mental health services for LGBTIQ refugees and asylum seekers in reception, detention and accommodation centers, particularly, those in remote or isolated areas. This includes implementing targeted support for people living with HIV and ensuring that health facilities in these areas are LGBTIQ inclusive. Develop specific protocols to assess and address the health needs of vulnerable LGBTIQ individuals, facing such as those mental health challenges and trauma caused by gender-based and sexualized violence or experiencing discrimination within the centers.

Facilitate Safe Spaces for Self-disclosure of SOGIESC

To encourage voluntary self-identification, support organizations can play a crucial role by creating “safe spaces.” These safe spaces should foster a welcoming culture by employing diverse staff (in terms of SOGIESC and cultural and racial backgrounds, promoting inclusivity through visual cues like rainbow flags or LGBTIQ safe space posters, and adopting the use of correct pronouns and respectful language). Staff, including volunteers, should be trained on LGBTIQ issues, cultural sensitivity, and sensitization language use, and registration processes for refugees should take place in secure settings where individuals feel safe to disclose their identities without feeling pressured. Establishing strict confidentiality protocols is essential to ensure that any disclosure is handled with care and privacy and ensure the availability of sensitized translators. As echoed by key informants, it needs be considered that LGBTIQ people may choose to delay self-identification, preferring to disclose their SOGIESC outside their immediate accommodation, such as at a psychologist’s or lawyer’s office, or through connections with local LGBTIQ communities.

Vulnerability Assessment

A Thorough Vulnerability Assessment is Missing

The EU asylum acquis leaves it to the discretion of each Member State to decide the methodology for identifying and assessing the needs of applicants for international protection. In all country contexts, the vulnerability assessment is limited to establish whether a person is a minor, if a woman was pregnant, or if the person had some physical disabilities. Other vulnerabilities such as diverse SOGIESC, trafficking, gender-based and sexualized violence and torture and trauma are rarely addressed. And in cases where the standard questionnaire, includes a question on these vulnerabilities, the statements were not explored in more depth.

Recommendations

Standardize Vulnerability Assessment Protocols and Training for Personnel

Develop a formalized, comprehensive vulnerability assessment protocol that includes structured and open-ended questions designed to identify specific needs of LGBTIQ refugees and asylum seekers. This should go beyond a basic checklist to allow for a deeper understanding of each individual's situation. All staff, including interpreters, should receive mandatory training in conducting sensitive respectful interviews, and identifying vulnerabilities, and avoiding biases that may impede accurate assessments. The training should also cover intersectionality, to enhance the specific needs of intersectional groups, such as Roma LGBTIQ refugees, to ensure an inclusive approach.

Implement Continuous Monitoring and Evaluation with Follow-Up Procedures

Introduce a continuous monitoring system to assess the well-being of LGBTIQ refugees throughout their stay in reception facilities. This system should include regular checkins to update vulnerability assessments and ensure appropriate services are provided. When a person is identified as vulnerable, there should be a clearly defined follow-up process that outlines specific actions to be taken, such as connecting the individual with a dedicated caseworker or offering tailored psychosocial support. This will help address gaps where assessments are conducted, but no subsequent measures are taken to address identified vulnerabilities.

Physical & Mental Health Services

Lack of Queer-Friendly Physical and Mental Health Practitioners

There is only a handful of doctors who are considered queer-friendly and who offer tailored services to LGBTIQ refugees and asylum seekers. In general, access to HRT for trans* people is difficult, if not impossible, in all five country contexts. Those very few health practitioners who are providing HRT services, are in most cases affiliated with LGBTIQ and/or refugee organizations. Furthermore, language barriers might further complicate access to health services. There is a lack of trauma-focused counselling available to LGBTIQ refugees and asylum seekers.

Recommendations

Enhance Availability and Accessibility of LGBTIQ Competent Mental Health Services

Increase the number of mental health professionals who are trained to work specifically with LGBTIQ refugees and asylum seekers. Efforts should be made to recruit psychologists who are not only skilled in trauma-informed care and asylum and refugee support but also, have of a nuanced understanding LGBTIQ refugee experiences. Provide targeted sensitization training and the accessibility of resources to existing mental health professionals to build this competency. Ensure that language barriers are minimized by recruiting multilingual staff or providing professional interpretation services. This will reduce waiting times improve the quality of mental support available and health to LGBTIQ refugees and asylum seekers .

Facilitate Access to Gender-Affirming Healthcare Without Bureaucratic Barriers

Simplify procedures for accessing gender-affirming healthcare for transgender refugees. Automatically recognize HRT prescriptions from their country of origin and remove unnecessary psychological evaluations and committee approvals for surgery. These changes would not only expedite access to necessary care but also prevent re-traumatization and discrimination in the healthcare system. This streamlined approach will support the health and well-being of transgender asylum seekers and refugees, ensuring they receive timely and respectful care.

Access to Safe Accommodation

A Lack of Safe Accommodation for LGBTIQ Asylum Seekers and Refugees Perpetrates Extreme Isolation

LGBTIQ refugees and asylum seekers experience extreme forms of isolation within detention facilities (open and closed) and refugee accommodations. In many cases, they must hide who they are and very often, gender transitions are being reversed. Being housed in the same room and in tight quarters with homo- and trans*phobic migrants and guards, there is an increased likelihood of re-traumatization and depression, which can lead to death by suicide. Similarly, private accommodations are also not safe for LGBTIQ refugees and asylum seekers unless they are housed with queer friendly people or members of the LGBTIQ community. Furthermore, LGBTIQ refugees and asylum seekers tend to lack access to social networks – particularly when located outside major urban centres.

Recommendations

Establish Dedicated Safe Housing Options with Holistic Support Services

Develop specialized housing programs tailored to the unique needs of LGBTIQ asylum seekers and refugees, ensuring both physical safety and emotional wellbeing. Housing facilities should provide a safe, supportive environment and include access to comprehensive support services such as mental health counseling, trauma support, addiction counseling, and social reintegration programs. Collaborate with local LGBTIQ organizations to manage these facilities and utilize existing vacant properties in urban areas to expand safe housing availability. This approach will address the heightened risks LGBTIQ asylum seekers and refugees face, such as violence, discrimination, and social isolation.

Management in Accommodation Centers

Implement a case management model that includes regular interviews and check-ins to assess the well-being and safety of LGBTIQ refugees and asylum seekers in accommodation centers. Utilize this model to identify specific needs related to privacy, mental health, and social integration. Partner with specialized organizations for cases involving gender-based and sexualized violence and ensure sensitive matching of caseworkers to refugees based on their trauma history. This approach will help ensure that accommodation centers are not only places of shelter but also spaces that facilitate healing and empowerment.

Provide Targeted Support for LGBTIQ Asylum Seekers and Refugees Isolated in Remote Areas

Address the specific challenges faced by LGBTIQ asylum seekers and refugees who are employed or housed in remote areas with limited access to social networks and support services. Develop outreach programs to connect these individuals with resources in larger urban centers, and establish remote counseling services, such as hotlines or online mental health support, to reduce social isolation. Implement transportation assistance programs to facilitate access to necessary services, ensuring that no LGBTIQ asylum seeker and refugee is left without support due to geographic constraints.

Access to Employment

LGBTIQ Asylum Seekers and Refugees Face Challenges Accessing Employment

The rise of political and societal homo- and transphobic sentiment in all five country contexts, combined with the rise of anti-immigration attitudes particularly in Hungary, Poland, and Slovakia, creates challenges for LGBTIQ asylum seekers and refugees to access the labour market. The general lack of economic opportunities in all five asylum seekers prompts LGBTIQ and refugees to travel onwards to Western Europe.

Recommendations

Develop Specialized Employment Programs for LGBTIQ Asylum Seekers and Refugees in Partnership with Inclusive Employers

Establish targeted employment programs that connect LGBTIQ asylum seekers and refugees with inclusive employers committed to anti-discrimination principles. These programs should offer job readiness training, language courses, and mentorship opportunities, while actively collaborating with businesses that demonstrate inclusive practices.

Implement Anti-Discrimination Policies and Awareness Campaigns to Combat Homophobia, Transphobia and Xenophobia in the Workplace

Introduce and enforce comprehensive antidiscrimination laws that explicitly protect LGBTIQ asylum seekers and refugees from bias based on SOGIESC, and migrant status within the workplace. Conduct national challenge awareness campaigns homophobic and immigration attitudes, involving communities, employers, to antilocal and policymakers. These campaigns should aim to foster a more inclusive labor market, reduce stigma, and encourage broader societal acceptance of LGBTIQ asylum seekers and refugees as valued members of the workforce.

Access to Legal Assistance & Support

Lack of Proper Implementation of Asylum Law Regarding SOGIESC

The five country contexts offer a varying degree of refugee protection for LGBTIQ people, and none considers persecution based on sex characteristics (intersex) as grounds for refugee protection. Generally, there is a huge tendency on the part of the decision makers to not believe asylum claims based on SOGIESC. The lack of a proper vulnerability assessment regarding SOGIESC in all country contexts combined with conservative attitudes towards gender and sexuality results in insensitive interview techniques that are harmful and potentially re-traumatizing for LGBTIQ people seeking asylum. None of the five countries have positive measures in place that would help to improve the SOGIESC asylum process. In addition, the country reports available to the ministries for the purpose of decision making rarely refer to the situation of trans* and/or intersex people in their country of origin.

Recommendations

Expand Legal Assistance and Support Throughout the Asylum Procedure

Provide early and continuous access to legal assistance for LGBTIQ asylum seekers and refugees, from the initial stages of the asylum process through to appeals. Legal support should include pre-interview preparation to inform applicants of their rights and guide them on how to handle inappropriate or sensitive questions. Additionally, representatives ensure are that present legal during interviews to advocate for the refugee's rights, create a safer interview environment, and challenge any discriminatory practices. Legal aid programs should be tailored to the unique needs of LGBTIQ persons to ensure that they are fully supported throughout the process.

Establish Clear Guidelines for Sensitive and Non-Intrusive Interview Practices

Develop and implement standardized guidelines that ensure sensitivity and respect during asylum interviews for LGBTIQ asylum seekers and refugees, particularly in relation to credibility assessments. These guidelines should prohibit intrusive and irrelevant questions related to their sexual biography, such as frequency of sexual activity or intimate partner details, which can re-traumatize applicants and do not contribute to a fair assessment of their asylum claims. Legal support organizations as well as the UNHCR should be permitted to monitor interviews, provide feedback, and ensure compliance with these guidelines to protect the dignity and rights of LGBTIQ asylum seekers and refugees.

Enhance Access to Specialized Country of Origin Reports for Vulnerable Subgroups

Collaborate with local LGBTIQ organizations and international human rights bodies to develop detailed and up-to-date country of origin reports that specifically address the conditions for various LGBTIQ subgroups, including transgender and intersex individuals. These reports should be readily available to asylum authorities and legal representatives to ensure that decisions are based on accurate and comprehensive information, reflecting the specific risks and challenges faced by different identities within the LGBTIQ spectrum. This will prevent generalized assumptions about LGBTIQ safety and improve the quality of asylum determinations.

4.2 PROGRAMMATIC RECOMMENDATIONS: TOWARDS EQUITABLE LGBTIQ SERVICE PROVISIONS

Create Clear Referral Mechanisms Between Government-run Asylum and Refugee Facilities and Specialized LGBTIQ Organizations

Establishing formal partnerships and data-driven referral systems between government-run refugee facilities and LGBTIQ organizations is crucial, similar to existing practices for other vulnerable groups, such as trafficking survivors. This approach would enable reception facilities to quickly and effectively connect LGBTIQ asylum seekers and refugees with specialized services, including psychological support and legal aid, thereby enhancing the overall quality of care and support. To facilitate this process, clear guidelines should be implemented to ensure that all staff are trained on how and when to refer individuals to these organizations. Social media platforms such as Facebook, Instagram, X, and TikTok have emerged as essential access points for LGBTIQ persons seeking support services and information about available resources. These platforms also serve as effective channels for LGBTIQ asylum seekers and refugees to connect with service providers. However, in the five target countries, which primarily function as transit locations, consistent support services are often lacking.

Increase Flexible and Inclusive Funding Mechanisms

Funding for LGBTIQ asylum seekers and refugee services should be more flexible, allowing organizations to respond to changing circumstances over time and cover a broad range of needs which may not have been explicitly mentioned in the initial funding application. Rigid funding rules that overly earmark resources can restrict service providers, preventing them from addressing a wide range of needs effectively. Therefore, it is essential to create funding frameworks that allow for flexibility and context-specific applications.

Establish Equitable and Inclusive Support Services Regardless of Nationality

Implement a non-discriminatory funding and service provision policy that ensures equal access to support services for both Ukrainian and non-Ukrainian LGBTIQ asylum seekers and refugees. This can be achieved by establishing unified funding streams that are not limited by nationality or origin and by developing comprehensive service provision strategies that explicitly include marginalized minorities. LGBTIQ organizations should be required to allocate a portion of their resources specifically for non-Ukrainian refugees.

Establish Equitable Partnerships Between LGBTIQ Organizations and International Organizations

LGBTIQ organizations and LGBTIQ activists, often serve as the first responders for LGBTIQ displaced persons during humanitarian crises, despite being typically underfunded and lacking the capacity and resources necessary for long-term sustainability in their programming. Furthermore, they may be treated as secondary partners, with limited involvement in programmatic decision-making when collaborating with international humanitarian organizations. Partnerships should emphasize mutuality; LGBTIQ organizations should be recognized as experts in their field, positioned as central players throughout the decision-making processes that shape programs aimed at supporting LGBTIQ asylum seekers and refugees on local, national, and international levels.

Facilitate LGBTIQ Inclusion Trainings for International, National and Local Humanitarian and Refugee Organizations

Regular inclusion training for personnel working with asylum seekers and refugees is essential, alongside monitoring to ensure effectiveness. These trainings should adopt a bottom-up approach that considers the lived experiences and legal vulnerabilities of LGBTIQ persons in their countries of origin, transit, and arrival. Ideally, the training sessions should be facilitated by staff members who have migration/refugee backgrounds and/or versed in LGBTIQ advocacy. Clear guidelines should be established to allow for ongoing monitoring of the implementation of inclusive programming. Additionally, involving a diverse range of actors can create opportunities for new collaborations and provide a platform for understanding how different organizations operate in the region, identifying areas for cooperation.

Streamline Bureaucratic Coordination

It is essential to simplify coordination processes among the UNHCR, donors, and international humanitarian organizations. The current complex bureaucratic structures often lead to resource mismanagement and slow responses to urgent issues, primarily due to ineffective data collection methods that respect privacy and ensure confidentiality. LGBTIQ organizations and networks, which may also be volunteer-led, should not bear the sole responsibility for collecting data to justify the need for inclusive policies and programming. Regular coordination meetings should include LGBTIQ partners at the decision-making level and be outcome-oriented, focusing on actionable solutions to systemic challenges, rather than topline discussions or checkbox approaches to inclusive representation.

5. STAKEHOLDER MAPPING

This section outlines the key stakeholders in the region that provide specialized services for LGBTIQ asylum seekers and refugees. While this page offers a brief overview, you can find additional organizations and the types of support they provide by following this link: <https://shorturl.at/OueAs>.

As the landscape of services for LGBTIQ asylum seekers and refugees is dynamic, we will periodically review and update this map.

Please keep us informed about any changes to the organizations listed, including service offerings or contact information. We recognize that some groups operate as informal or voluntary networks and may prefer to keep their work private to avoid compromising their safety and effectiveness. This is completely understandable, and we respect their need for confidentiality.

Please click the link: <https://shorturl.at/gRJoD> to recommend an organization, and we will ensure our stakeholder map remains up to date.

CZECHIA

Afghan LGBTI, Brno | <https://afghanlgbt.com/en/>

The Association for Integration and Migration / SIMI (Sdružení pro integraci a migraci, o.p.s.), Prague | <https://www.migrace.com/en/organization/about>

The Organization for Aid to Refugees (Organizace pro pomoc uprchlíkům), Prague | <https://www.egnetwork.eu/member/organisation-for-aid-to-refugees-opu-czech-republic/>

Prague Pride, Prague | <https://www.praguepride.cz/en/>

Transparent, Prague | <https://jsmettransparent.cz/>

HUNGARY

Cordelia Foundation, Budapest | <https://cordelia.hu/en/>

Háttér Society, Budapest | <https://en.hatter.hu/>

Hungarian Helsinki Committee, Budapest | <https://helsinki.hu/en/>

Transvanilla Transgender Association, Budapest | <https://transvanilla.hu/home/news/legal-gender-recognition-lgr-for-hungary>

MOLDOVA

GENDERDOC-M, Chişinău | <https://gdm.md/en/>

POLAND

Biblioteka Azyl, Lublin | https://www.instagram.com/biblioteka_azyl/?hl=en

Humanity in Action (Conflict Kitchen), Warsaw | <https://humanityinaction.org/>

Fundacja Trans-Fuzia, Warsaw | <https://www.transfuzja.org/> Kultura Równości /

Equality Culture, Wrocław | <https://kulturarownosci.org/>

Labrynth Gallery (Piwnica Labiryntu) | <https://www.facebook.com/piwnica.labiryntu>

Lambda Szczecin, Szczecin | <https://lambda.szczecin.pl/>

Lambda Warsaw, Warsaw | <https://www.lambdawarszawa.org/>

Martynka Help | https://www.instagram.com/martynka_help/

Nomada Association, Wrocław | <https://nomada.info.pl/> Olsztyn Equality March, Olsztyn | <https://www.olsztynskimarsz.pl/>

Queer Without Borders | Warsaw | <https://www.facebook.com/profile.php?id=100092895772822&sk=about>

Warsaw House Foundation | Warsaw | <https://warsawhouse.org/en/star-en/> TęczArt | Gorzów

Wielkopolski | <https://www.facebook.com/tecartgorzow/>

SLOVAKIA

GenderStream, Bratislava | <https://genderstream.org>

Iniciativa Inakost, Bratislava | <https://inakost.sk/>

ROMANIA

ACCEPT Association, Bucharest | <https://acceptromania.ro/>

Incluziune pe BUNE, Timișoara | <https://incluziunepebune.ro/>

MozaiQ, Bucharest | <https://www.mozaiqlgbt.ro/>

APPENDIX

List of Participating Organizations

Hungary

- Cordelia Foundation, Budapest | <https://cordelia.hu/en/>
- Háttér Society, Budapest | <https://en.hatter.hu/>
- Hungarian Helsinki Committee, Budapest | <https://helsinki.hu/en/>

Poland

- Amnesty International Polska | <https://www.amnesty.org.pl/>
- AIDS Healthcare Foundation (AHF) | <https://www.aidshealth.org/global/poland/>
- Fundacja Warsaw House | <https://warsawhouse.org/en/star-en/>
- Kultura Równości (Culture of Equality) | <https://kulturarownosci.org/>
- Queer Without Borders | <https://www.facebook.com/profile.php?id=100092895772822>

Czechia

- The Association for Integration and Migration / SIMI (Sdružení pro integraci a migraci, o.p.s.), | <https://www.migrace.com/en/organization/about>
- The Organization for Aid to Refugees (Organizace pro pomoc uprchlíkům) | <https://www.egnetwork.eu/member/organisation-for-aid-to-refugees-opu-czech-republic/>
- Prague Pride, Prague | <https://www.praguepride.cz/en/>
- Transparent, Prague | <https://jsmettransparent.cz/>

Slovakia

- Gender Stream | <https://genderstream.org>

Romania

- Incluziune pe BUNE, Timișoara | <https://incluziunepebune.ro/>
- MozaIQ, Bucharest | <https://www.mozaiqgbt.ro/>

Practice Oriented Resources

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ORAM

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