

Disturbing knowledge

Decisions from asylum cases as documentation
of persecution of LGBT-persons

Søren Laursen¹, LBL – The Danish National LGBT-organisation
Mary Lisa Jayaseelan² – Danish Refugee Council

¹ Volunteer counselor and long-time activist with LBL. Chair of the Asylum Committee of Danish Refugee Council. Member of the Refugee Appeals Board 2000-2002.

² Legal advisor, Danish Refugee Council

Introduction

The present study is an extension of a study made in 2001³ in response to a request by the UN Commissioner for Human Rights to supply information on human rights violations against sexual minorities.

Much such evidence exists in asylum cases. The Danish Refugee Council (Dansk Flygtningehjælp) maintains a database of decisions of asylum cases, and though this, such information is available.

In the decisions a qualified body has looked into the case and assessed the information provided by the applicant. Some of it is sustained, some rejected. The result is credible information.

In 2001 this was used to provide information to UNHCHR. Now the study is updated with more recent cases, and in the paper we will discuss the findings.

We first provide a brief introduction to the Danish asylum system and to the database. We then present an overview of the findings, including some characteristic examples of cases. In the appendix a large number of the cases are listed.

The Danish asylum procedure

Submission of the application for asylum

When an asylum seeker enters Denmark he or she must register with the police. The Danish National Police Commissioner's Office (Rigspolitiet) is responsible for establishing the

³ Evidence on human rights violations against sexual minorities from cases at the Danish Refugee Appeals Board, Søren Laursen, LBL – The National LGBT Organisation, member of the Refugee Appeals Board. Closed report for UN Commissioner for Human Rights.

identity of the asylum seeker. The police will take a statement from the asylum seeker, which includes a description of the travel route used.

On the basis of the police report the Immigration Service (Udlændingesservice) makes a decision to one of the following:

- (a) send back or transfer the asylum seeker another EU-country⁴, *or*
- (b) reject to a 'safe third country', *or*
- (c) that Denmark will process the asylum application

Three procedures

If the Immigration Service decides that an asylum application can be processed in Denmark, the Immigration Service will determine whether asylum can be granted. The Immigration Service will decide on this after an in-depth interview based on an application form in which the asylum seeker explains the reason for seeking asylum in Denmark.

On the basis of the application and the interview the Immigration Service decides which procedure the application shall be processed in:

- (a) Normal procedure, *or*
- (b) Manifestly unfounded

Most cases are processed according to the **normal procedure**. This means that if the case is rejected in the Immigration Service the case is automatically referred to the Refugee Appeals Board for a final ruling.

In the **manifestly unfounded procedure** – which applies to cases where the Immigration Service finds that the applicant is clearly not eligible for asylum - the case is referred to the Danish

⁴ According to the terms of the Dublin Regulation an asylum application can be processed in one EU country only. If an asylum seeker has close family or has been in contact with the authorities in another EU country before coming to Denmark his or her application will be processed in that country.

Refugee Council (DRC), which is a private, humanitarian organisation. If the DRC finds that the case is not manifestly unfounded the applicant will have a right to appeal. If on the other hand the DRC agrees with the evaluation from the Immigration Service, the Immigration Service will make a decision in the case with no right to appeal⁵.

If granted asylum

If an asylum seeker is granted asylum in Denmark he or she will receive a residence permit, be asked to live in a particular part of Denmark decided by the Immigration Service and placed under a three-year introduction programme, which among other things includes language and culture classes.

Rejection

If the rejection of the application for asylum is final the asylum seeker must leave the country immediately. If a rejected asylum seeker refuses to leave voluntarily the police is responsible for making sure that the person leaves Denmark, if considered necessary by the use of force.

Data for this report

The decision database

The decision database contains asylum cases processed by the Refugee Appeals Board i.e. cases which were rejected by the Immigration Service as a first instance decision. Cases in which asylum was granted in the first instance are not available.

Thus, this study does not tell, how many LGBT asylum seekers have applied for asylum in

Denmark. It only deals with those cases, which were appealed to the Refugee Appeals Board.

The data from the first years is not as detailed as that for the years from 1993 and forth. The database holds the decisions and usually the grounds of the decisions. The decisions and the grounds are stored in anonymized form.

Extracted data

All cases were extracted in which the asylum seeker has discussed her or his sexual orientation or gender identity or charges for being homosexual. A total of 147 cases were identified in the period 1990 to 2007.

The majority of these cases were rejected by the Refugee Appeals Board. In some cases the Board considered the evidence as unreliable. Such evidence is not used in this report. In other cases the evidence was considered reliable but the case was rejected in spite of this. The report contains such evidence.

Persecution

In many countries homosexual acts are criminalized⁶:

- Homosexual acts illegal (80 countries)
- Homosexual acts punishable with death penalty (5 countries and parts of Nigeria and Somalia)

A prohibition is not in itself a reason for asylum. The applicant must prove, that he or she is individually persecuted by the authorities. For this reason it is considered possible to return an asylum seeker e.g. to Iran if it is evidenced that the sexual orientation of the applicant is not known by the authorities.

Furthermore, there is an evaluation of the maximum penalty and legal practice. An applicant will only be recognized as a refugee if the penalty in the country of origin is excessive in comparison to the penalty in the country of asylum. The

⁵ When an asylum seeker arrives from a country where it is considered unlikely that the person would risk persecution the application is processed according to the expedited version of the manifestly unfounded procedure. This means that the asylum seeker will not be asked to fill out an application form and that the manifestly unfounded procedure is fast-tracked.

⁶ State-sponsored Homophobia, May 2009, Daniel Ottosson, ILGA, www.ilga.org

result of such an evaluation in the case of persecution for reasons of sexual orientation is not clear.

A catalog of assaults and injustices made by authorities against homosexuals, bisexuals and transgendered people as evidenced in the cases in this study may look like this:

1. Excessive penalty
2. Violence and assaults by police, military and paramilitary units
3. Violence and assaults by prison staff
4. Lack of protection against assaults by inmates in prisons
5. Lack of protection against assaults by private persons
6. Lack of considering complaints over lower authorities
7. Commitment to a (mental) hospital
8. Forced treatment (e.g. medical)
9. Forced HIV-test
10. Arbitrary detention
11. Other kinds of harassment by authorities
12. Exclusion from the labor market
13. Exclusion from education
14. Restricted freedom of movement
15. Restricted cohabitation

Similarly assaults by private persons may be listed:

1. Assault by private persons
2. Rape by private persons
3. Threats on life by private persons
4. Threats of assault by private persons
5. Destruction of private property by private persons
6. Other harassment by private persons, including telephone harassment, threats of reporting etc.

In general such assaults would be referred to legal consideration in the applicants country of origin. In some cases, though, they might be considered to constitute a basis for a well-

founded fear of persecution and thus to recognition of the applicant as a refugee.

Cases – overview

The table below shows the cases distributed on country of origin and year of decision. The figure illustrates the cases graphically.

There are some distinct patterns. The vast majority of the cases are from SNG states, Middle East and Eastern Europe. There are no cases from the Americas except for a withdrawn case from Cuba.

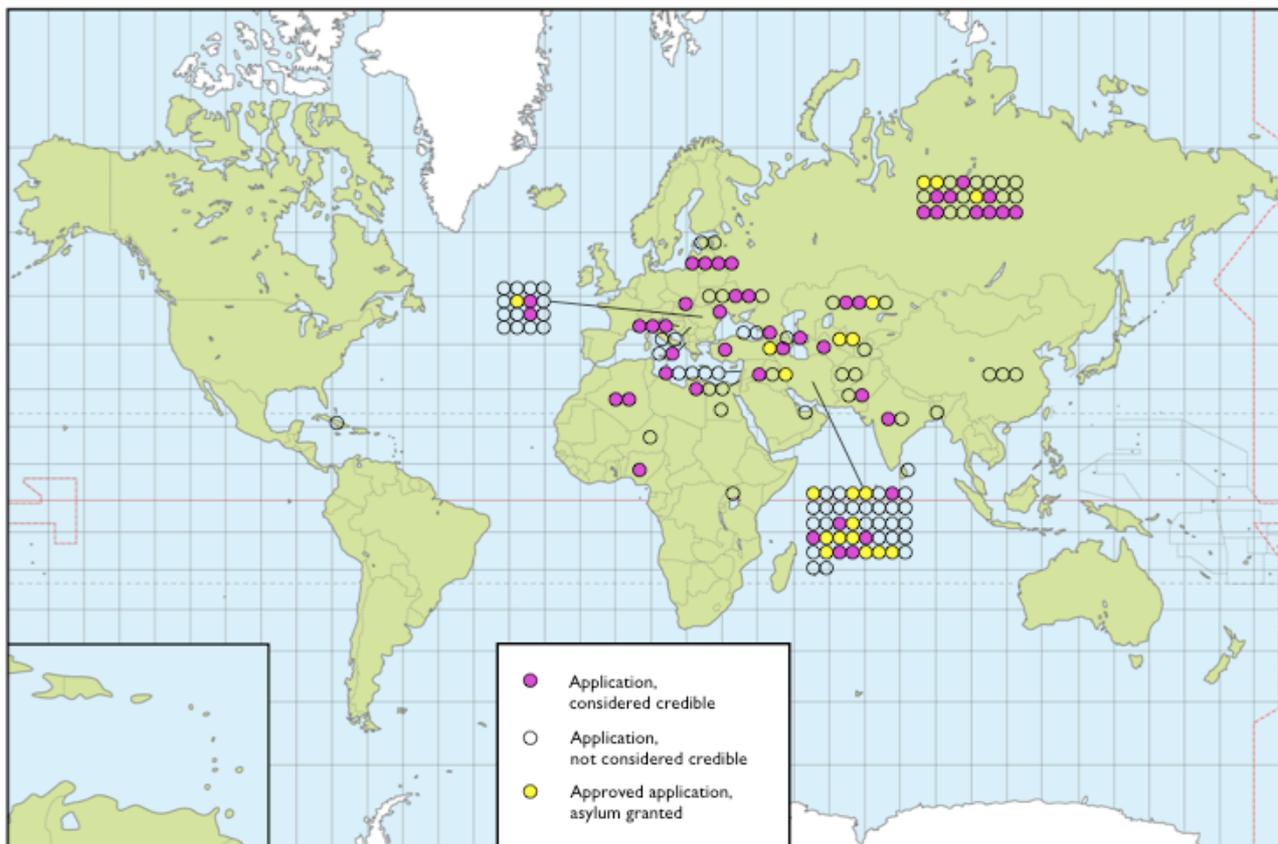
Probably asylum seekers from Americas would consider countries on their own continents rather than Europe, whereas asylum seekers from South Asia probably consider e.g. Australia and New Zealand first.

There is a wave of cases from SNG in the 90-ies after the disintegration of the Soviet Union. Furthermore there has been a wave of cases from Iran in the first years of the new century.

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Armenia							<u>E</u>								<u>B</u>			
Azerbaijan														R	<u>B</u>			
Georgia						RR						<u>B</u>						
Kazakhstan		R		<u>RR</u>	<u>E</u>	R												
Moldova												<u>B</u>						
Russia		<u>E</u>	<u>FR</u>	<u>RRR</u> <u>RRR</u>	<u>RRR</u>	<u>FRR</u>		R	<u>B</u>		<u>B</u>	R	R	<u>RRR</u>				<u>B</u>
Tajikistan												R						
Turkmenistan						<u>B</u>												
Ukraine					RR						<u>B</u>			<u>B</u>	R			
Uzbekistan			<u>E</u>										<u>E</u>					
Albania												R	<u>B</u>					
Bosnia and Herzegovina												<u>B</u>	<u>RR</u>					
Estonia		R		R														
Lithuania					<u>RRR</u> <u>FRR</u> <u>RR</u>	<u>RRR</u> <u>RRR</u>		<u>B</u>										
Romania		RR		RRR														
Slovakia										<u>B</u>								
Yugoslavia - FRY								R				R						
Afghanistan													R					R
Algeria			<u>B</u>						<u>B</u>									
Egypt											R							
Irak															<u>B</u>	<u>RE</u>		
Iran		<u>E</u>		R	R	<u>CFR</u>		<u>B</u>	RRR X	RR	RRR RR	<u>RF</u> <u>X</u>	<u>RRR</u> <u>RF</u> <u>F</u>	<u>RRR</u> <u>RRF</u>	<u>RR</u>	<u>FBB</u>	RR	R
Israel					<u>B</u>	R								R				
Lebanon							<u>B</u>						R				R	RR
Turkey											<u>B</u>							
United Arab Emirates											R							
Niger														R				
Nigeria																		
Uganda															R			
Bangladesh															R			
China	R	R	R															
India																<u>B</u>		R
Pakistan						R									<u>B</u>			
Sri Lanka							R											
Cuba											X							

R: Rejected X: Withdrawn C: Convention status F: De Facto (secondary) status B: Protection (secondary) status

Red letters: Credible Black letters: Not credible



Discussion

SNG and Georgia

Findings

The early cases illustrate the conditions during the Soviet regime. Homosexuality was criminalized and this was used for oppression. In most penal codes in the area, homosexuality was decriminalized in mid 90-ies.

During the time of criminalization, there is a number of recurring “Soviet style” findings:

- Gay men were often referred to mental institutions when drafted, and here they were subject to medical treatment including injections and electroshock therapy.
- Typically gay men did not get the necessary papers to get access to education and work.

- If doing military service, homosexual men were often sexually abused by other soldiers and officers.
- Gay men were usually threatened to inform on other homosexuals.
- Because of the criminalization homosexuals were victims of criminal offences, against which they could not defend themselves nor obtain protection.
- Homosexuals were extensively exploited for bribes.
- Often KGB was involved in the repression and exploitation.
- Often homosexual men were victims of sexual assaults by private parties or persons from authorities.

The picture is the same throughout the region.

After decriminalization there is still evidence of assaults from private parties and lack of protection by the authorities. There is much intolerance and discrimination.

The following example sums up many of the findings:

Decision of the Refugee Appeals Board, 1994

In 1981 at the age of 14 the applicant was committed to a mental hospital and treated with injections. Afterwards he was harassed in school and had to finish his education as private study. While in the army the applicant was verbally and physically harassed. He was raped twice. Afterwards it was impossible for him to get a job. He was consistently rejected on the grounds of being homosexual. In 1987 he was retained for three days by the police and questioned about sexual acquaintances. The police also asked questions to his parents as well as to other people living in the area. In 1988 he was again committed to a mental hospital for a month where he was treated with injections. In 1990 he was retained for three days by the police and beaten with sand bags. In 1991 a boy was raped and murdered near the home of the applicant who was suspected and retained for two weeks. During these he was repeatedly interrogated being strapped to a chair, beaten, and verbally humiliated. A gun was once pointed at the applicant. He was released due to lack of proof.

In 1991 the applicant and his mother was harassed verbally and their property attacked. The applicant left the country the same year.

The Board considered the evidence credible but rejected the application because of the revision of the Russian penal code and that the authorities have changed their point of view on homosexuality.

An applicant from Ukraine (2003) mentions, that he and other prisoners were imprisoned in revolting cells, but once they were removed because there was a visit of OSCE, and things should look better.

Decisions

Before decriminalization: Typically, if the applicant had been imprisoned the Refugee

Appeals Board granted refugee status. There are cases though, which were rejected, because the harassment, exploitation and discrimination was not considered to constitute persecution.

Immediately after decriminalization the Board refers applicants to seek the protection by local authorities, cf. the above example.

In a case from Russia (2003) the applicant complained to local and regional authorities. The application was rejected because the applicant did not complain to national authorities.

In a case from 1992 the partner of an applicant got refugee status in consequence of the applicants refugee status. Thus their family relation was recognized even though their relation of course had no legal foundation in their countries of origin.

In some of the rejections of the Board, the applicants are advised to move to larger towns, where they presumably can find a sub-culture, which is supposedly thought to help the applicants not to be victims. Technically the Board refers the applicants to some kind of protection by some diffuse perceived sub-culture.

Europe

Findings

The European cases are from the old Eastern European and Baltic countries.

Basically the kinds of findings are similar to those described for the SNG countries, though most of the cases were less aggravating.

But there are a few noteworthy cases.

For instance, there is a grim Lithuanian case concerning male trafficking:

Decision of the Refugee Appeals Board, 1997
Rejected

The applicant is homosexual. In 1990 he was caught by the police with a friend in a park. The following years he was harassed by the

police with regular summons to the police station and four forced HIV-tests. He was routinely rounded up as a usual suspect in cases of burglary and rape. On such occasions he was slapped in the face and verbally humiliated but was always released without any charges.

In 1996 he was approached in a gay bar by an employee of a trafficking company. He was asked to become a prostitute but refused. A few weeks later he was approached again by the same person who threatened him. He then became a male prostitute in Germany. He fled after a week and returned to Lithuania. He was approached by five people from the company who beat up him and his sister. When reporting the incident to the police he was retained for one week. He was told that the company had reported him for owing them some money. Some police officers threatened with rape if he did not collaborate with the company and furthermore his car was confiscated until he had paid off his dept.

After he was released he was approached again by the company and threatened with being killed if he went to the police again. He fled the country.

During the processing of his asylum case he was informed that his sister had been killed.

The Board rejected the application in referring the applicant to seek protection by higher authorities in his home country.

In this case the police is supposedly collaborating with a criminal organization and exploits the applicant rather than protecting him.

Decisions

As in the above example, many of the applicants are referred to seek protection in their home countries through higher authorities.

In a Romanian case part of the grounds for rejection was the expected decriminalization, though it had not happened at the time of the rejection.

MENA and Turkey

The majority of the cases from this region are from Iran.

Most of these cases concern applicants, whose sexual orientation has become known to the authorities, and who now fear the possible consequences.

A case mentions a situation from the times of the Shah, when minors were imprisoned for homosexuality in a prison for children.

The general picture drawn in the cases is of a society, where it is dangerous to be homosexual because of risk of imprisonment, maltreatment and possibly execution. Thus homosexuals are not open.

There are examples on use of torture against prisoners. There is mentioning of rape by police officers and basijs.

There is not much information to take from the cases. In many cases most of the information is rejected as not being credible. In some cases all information is rejected except the single key issue – i.e. that the authorities know the applicant is homosexual. In two cases refugee status was given with next to none credible information.

In a large number of cases, which were all lost by the applicant because they were not found credible, there is a recurring story about the applicant and his partner having sex and some family member opening the door seeing them. The story appears in many cases from Iran but not from other countries.

Before dismissing the story on lack of credibility it should be considered, that this situation actually happens often anywhere in the world, especially in societies where the different generations live together, e.g. because it is common to live with the parents until marriage. While it is embarrassing everywhere, it would be very few places it constitutes an asylum motive. Thus it would not necessarily appear in cases elsewhere.

There are two old but remarkable decisions regarding Algeria:

Decision of the Refugee Appeals Board, 1992
Rejected

The applicant is homosexual and since 1988 member of a loosely organized group for gay men. He was imprisoned five times in the period 1988-1990 always because of being homosexual. The most recent sentence, from 1990, was of four months of imprisonment and an additional suspended sentence of one year of imprisonment.

The Board rejected the application. According to act 338 it is the homosexual act, which is punishable. Considering the applicant was released after serving the sentences there was no indication that the applicant did not get a fair trial. Furthermore he left the country legally.

Despite a history of being condemned to prison, the applicant is rejected.

Decision of the Refugee Appeals Board, 1998
Rejected

The applicant is bisexual. In 1994 he was approached by Islamic fundamentalists, who threatened him with a gun because of his sexuality. He paid them off with some jewelry. He did not dare report the incident to the police out of fear for being sentenced to prison.

In the following weeks he was subject to telephone harassment where he was threatened with killing. His friend was also threatened and was killed in 1995 by having his throat slit.

The threats on the applicant continued.

The application was rejected by the Board, which considered the evidence credible. There was no indication that the sexuality of the applicant was known to the authorities. Furthermore the possible penalty for this was not considered disproportionate compared to Danish law.

The sexuality of the applicant is not known to the authorities. But if he wants protection, it will be, and he would face a prison sentence. It is not clear, how imprisonment is not disproportional compared to Danish law.

The provision in the penal code still exists today:

Art. 338 — Any person guilty of a homosexual act shall be punished with a term of imprisonment of between two months and two years and a fine of between 500 and 2,000 Algerian dinars⁷

Decisions

In 1995 there was a case, where convention status was given. The applicant had been imprisoned three times suffering torture, and a fourth sentence would result in death penalty. This is the only case, where the Board granted convention status. In a few subsequent cases, the status type was discussed, but the was always secondary status.

At the turn of the century one sees decisions, where evidence is being rejected, and then there is an addition saying that furthermore, homosexuals are not that persecuted in Iran. This was based on different background materials⁸.

Sub Saharan Africa

There are next to none cases from Sub Saharan Africa. This is not because there is no persecution of LGBT-persons. One explanation would be, that LGBT asylum seekers got refugee status in the first instance⁹. Another explanation would be, that it is not mentioned in the cases, because

⁷ State-sponsored Homophobia, May 2009, Daniel Ottosson, ILGA, www.ilga.org

⁸ Notably a report from a fact-finding mission to Iran October 1999 by the Swedish Utlänningsnämnd and Invandrerwerk (Utredningsresa till Iran oktober 1999)

⁹ One of the authors (SL) has assisted such a case.

there are other conflicts, which constitute the asylum motive.

It should be noted also, that it is a region, where many refugees live in refugee camps in neighbor countries or internally displaced. Special notice should be given to persons in refugee camps, who might be endangered because of their sexual orientation or gender identity. Such persons would be found in the resettlement programs rather than before the Refugee Appeals Board.

Bisexuals

There are a number of cases, where the applicants identify as bisexuals. These are evaluated as cases of homosexuality, thus considering the ‘homosexual part’ of the applicant only.

There are cases, where the asylum motive is homosexual acts in the country of origin, while the male applicant is now living with a woman in Denmark. An applicant was granted asylum in such a case.

Women

There are very few cases concerning lesbians and bisexual women in the study. In general there are more male than female applicants, no less in the LGBT-cases. Lesbian women face severe stigmatization and exclusion and probably often have no means to organize a flight.

Findings in women cases include forced marriage, family violence, and rape while in detention. In an Iraqi (2004) case the application was rejected because the sexual orientation of the applicant was not known to the authorities, and homosexuality is not criminalized in Iraq.

Transgendered applicants

There are but very few cases of transgendered applicants. This is remarkable considering the extent of persecution throughout the world.

There are three cases: Russia (2003), Slovakia (1999) and Turkey (2000). There are a number of appalling similarities between the cases. The applicants were subject to massive stigmatization and exclusion in society, and to brutality and sexual abuses by the police. And they were all rejected by the Board.

The case from Russia can serve as an example:

Decision of the Refugee Appeals Board, 2003 Rejected

The applicant is transgendered. In 1994 she started in an agricultural college, but left because of constant verbal harassment and degrading treatment. During military service she was humiliated, beaten and sexually abused on a daily basis by common soldiers, and she was raped once. She was humiliated by officers. She didn't report this out of fear. The applicant had to leave a hospital prematurely after an operation for appendicitis after the staff realized she was transsexual.

In 1998 the applicant had breast implants inserted illegally by a medical student. Gender reassignment operations are very difficult and expensive to get officially.

Since 1997 she was detained numerous times for ID-control, sometimes several times a day. At the different police stations she was harassed, humiliated and sexually abused. She was offered to other police officers for oral sex. She was raped twice by police officers while in police custody.

Twice the applicant was attacked by groups of young persons in the building, where she rented a room.

The Board found, that according to background information there was no reason to expect systematic persecution of transgendered persons in Russia, neither by private persons nor by the authorities. The Board thus referred the applicant to seek the protection of higher authorities in Russia and suggested she move to a larger city, where it could be expected there would be a possibility to find a community of persons with her sexual orientation (sic.), and where it

is less likely the applicant be victim to illegal abuse by the police.

The rejection of the cases is based on an assumption, that the authorities in the countries of origin have the means and intentions to protect against such evidently criminal offences. However, trans persons are killed all over the world on a regular basis as documented in a recent study¹⁰, which reports on murders in e.g. Russia and Turkey in 2008-2009.

¹⁰ Every 3rd day the murder of a trans person is reported. Preliminary results of a new Trans Murder Monitoring Project show more than 200 reported cases of murdered trans people from January 2008 to June 2009, Carsten Balzer, July 2009, Liminalis issue 2009_03 (www.liminalis.de)

Appendix

Evidence on persecution and discrimination of lesbians, gays, bisexuals and transgendered persons

In the following cases are presented in which the evidence was not disregarded by the Refugee Appeals Board as being not credible. The evidence singled out here is that relating to sexual orientation and gender identity. Other evidence in the cases is disregarded. For each case the decision of the Refugee Appeals Board is mentioned.

Not all cases in the table in the paper are listed. This is to ensure anonymity of the asylum seekers. Even though they are not listed here, information's from the cases may have been used in the discussion in the main text.

The cases are grouped into three sections:

- SNG and Georgia
- Europe
- MENA & Turkey.

SNG

Armenia

Decision of the Refugee Appeals Board, 1996

Refugee status (F)

The homosexuality of the applicant was discovered while he was doing his military service in 1989. He was therefore discharged.

Subsequently he was fetched at home by a military person, who should bring him to a military hospital. He refused and resolved the situation with bribery. He was arrested approx. ten times for being homosexual. He was charged but never sentenced. He was always released within one day by bribery. He was member of a gay organization.

In 1993 he received several draft orders. He then fled the country.

A majority of the Board decided for de facto refugee status on the grounds that the applicant was detained several times because of his homosexuality and that he was drafted and might be ordered to participate in the internationally condemned conflict of Nagorno Karabakh.

Decision of the Refugee Appeals Board, 2004

Rejected

The applicant was convicted to five years in prison in 1986 because of his homosexuality. He was released after approx. 4 years. He was physically harassed in the prison and was hospitalized for two months. He was forced to inform on illegal activities by other inmates. After a rejected asylum application in a western country he was returned to Armenia in 1997. In 1999 the applicant was detained, maltreated in detention, kept in custody for three months including seven days in isolation and two and a half months in hospital due to maltreatment. He was then sentenced three years in prison for homosexuality. He was sexually assaulted by police officers while in detention, and by guards and inmates while in prison. After his release he was supposed to meet at the police regularly, and he was asked to inform on other homosexuals.

A year and a half after his release he fled the country.

The Board rejected the application because Armenia decriminalized homosexuality. The Board did not consider the applicant persecuted at the time he left his country.

Azerbaijan

Decision of the Refugee Appeals Board, 2004

Rejected

The applicant is gay which is obvious to other people because of his long hair and earring. Since mid-nineties he was harassed at university and in public spaces. He was yelled at and sometimes beaten. Several times, when he was beaten up in the street, he was detained by police and could not leave before paying a large bribe. He was harassed and threatened by the police officers. He did not complaint to higher authorities because he considered it meaningless. As a medical student he could not obtain an official position at a hospital because of his homosexuality. And after finishing the study he could not get a job. He subsequently started working in a bar run by a gay man. The man had to bribe the police even more than other bars. In the asylum center in Denmark he was harassed and threatened by another asylum seeker from Azerbaijan because of his homosexuality.

The Board did not consider the extent of the harassment sufficient for granting asylum and rejected the application.

Kazakhstan

Decision of the Refugee Appeals Board, 1993

Rejected

Two cases concerned two sisters who since 1990 had a lesbian relationship. After the husband of one of the applicant found out, she had to flee him and move in with the sister in her apartment. Subsequently the sisters were arrested on their working place and detained for three days. They were not charged and did not appear before a judge. The reason for the arrest was a collective

reporting from the other residents in the house to the militia. Afterwards the sisters were fired from their work.

The sisters are ethnic Russians and Russian orthodox. They often received anonymous telephone calls with abuse and threats. They were harassed in the street, beaten with fists, had the hair torn. Because of the harassment the applicant who had a daughter, had the daughter living with her mother.

One of the applicants was once attacked at her house by four men, Islamic Kazakhs, who took her to the basement and raped her. Furthermore she was burned with cigarettes. The neighbors called the militia who took her to the hospital. They blamed her for being responsible for the rape herself because of her immoral life. A police officer visited her at the hospital. He laughed at her and nothing happened. After this the telephone harassment intensified. They were followed in the streets by kazakhs. There were several attempts to break into their apartment and of making fires at their front door. As they tried to report to the police they were told, it was their own fault, and that they did not have resources to come.

The sisters do have a sexual relationship. They do not, however, identify themselves as lesbians. The applicant who was married was divorced by decree. The former husband was initiating a case to obtain custody of their child. The other applicant had a boyfriend, but after the detention he was furious and accused her for un-Islamic behavior.

A majority of the Board did not think the harassment intensive and systematic enough to be persecution.

Decision of the Refugee Appeals Board, 1994
Refugee status (F)

The applicant started studying at the university in 1983. He had a sexual relation with another student who reported him to the dean. The dean had him committed to a mental hospital where he was for a month. He was then transferred to a psycho-neurologic clinic where he was for 40 days. He got medical treatment and therapy.

Afterwards he had to meet every third month for control. His treatment was written in his military papers and therefore he was rejected for military service. After 1985 the controls were more often. The applicant often had injections.

The authorities controlled assignments of jobs. After he finished his study the applicant was denied any job.

The Board was informed that according to act 104 of the penal code homosexuality is punishable with imprisonment up to three years. The Board thus granted the applicant a de facto refugee status

Russia

Decision of the Refugee Appeals Board, 1991
Refugee status (F)

After 8th grade the applicant appeared before a draft board where he was told, that he would not be taken for military service but would be committed to a mental hospital because of his homosexuality. Due to his sexual orientation he was refused a higher education and could not get a job.

Subsequently in 1985 he became a member of a minor Christian community. He was interrogated by KGB in 1989 and threatened with imprisonment and commitment to a mental institution because of his homosexuality if he did not stop his activities with this community and became an informer. After that he lived in a hideout. After 1990 he began getting military call-up papers but dared not answer these because he was afraid to be summoned to a mental hospital. He then fled the country.

A majority of the Board granted the applicant de facto refugee status.

Decision of the Refugee Appeals Board, 1992
Rejected

When the applicant appeared before the draft board in 1980 he was submitted to a mental hospital for 15 days. He was not taken for military service but had his military papers stamped 'Psychopath'. This has made it very difficult to get a work afterwards.

When reporting a burglary in 1985 the applicant was sexually abused by a police officer under threats of violence. He has been submitted to forced medical examinations and in 1988 he was interrogated and beaten up by KGB after having spoken to a foreigner. After an assault the reporting to the police was rejected on the grounds that the police does not work against their own.

In 1990 the applicant was arrested three times, his apartment searched and his telephone tapped.

The applicant frequently was threatened with charges after art. 121.

The Board did not consider the applicant as being persecuted in the sense of the Convention.

Decision of the Refugee Appeals Board, 1993
Rejected

During his military service the applicant was harassed and beaten because of his homosexuality. Twice he attempted suicide. In 1990 he was assaulted by a former partner who threatened reporting his homosexuality to the police. The following year he was assaulted once again by the former partner who attempted to rape him. This was avoided by the interference of the neighbors who, however, realized his homosexuality and threatened with reporting him to the police. He then fled the country.

The Board rejected the application. The applicant was not considered persecuted in the sense of the Convention.

Decision of the Refugee Appeals Board, 1994
Rejected

In 1989 the applicant was beaten up by some police officers because of his long hair and his earrings. In 1990 he was beaten with clubs by the police because he and his friend was kissing in public. In 1991 the applicant together with his partner and a friend was assaulted by 10-15 young people after participating in a gay conference. A police officer witnessed the incident but did not interfere.

The Board rejected the application and referred the applicant to seek protection by higher authorities in his home country.

Decision of the Refugee Appeals Board, 1994
Rejected

In 1981 at the age of 14 the applicant was committed to a mental hospital and treated with injections. Afterwards he was harassed in school and had to finish his education as private study. While in the army the applicant was verbally and physically harassed. He was raped twice.

Afterwards it was impossible for him to get a job. He was consistently rejected on the grounds of being homosexual. In 1987 he was retained for three days by the police and questioned about sexual acquaintances. The police also asked questions to his parents as well as to other people living in the area.

In 1988 he was again committed to a mental hospital for a month where he was treated with injections. In 1990 he was retained for three days by the police and beaten with sand bags. In 1991 a boy was raped and murdered near the home of the applicant who was suspected and retained for two weeks. During these he was repeatedly interrogated being strapped to a chair, beaten, and verbally humiliated. A gun was once pointed at the applicant. He was released due to lack of proof.

In 1991 the applicant and his mother was harassed verbally and their property attacked. The applicant left the country the same year.

The Board considered the evidence credible but rejected the application because of the revision of the Russian penal code and that the authorities have changed their point of view on homosexuality.

Decision of the Refugee Appeals Board, 1995
Refugee Status (F)

In 1991 the applicant had a relationship with a deputy mayor. The mayor in 1992 asked the deputy mayor to end the relation and help having the applicant killed. The reason was a fear that the relationship could be used by the political opposition. Shortly after, the applicant was approached by some police officers, who wanted him to appear on TV telling about the relationship. He refused and was threatened on his life. He was told to report his doings and not to leave the area. He was threatened repeatedly

by the police. He felt kept under surveillance and attempted suicide.

In 1989 he was declared unfit for military service for medical reasons. In 1992, he was summoned to appear for a drafting committee. He was declared fit for service and was asked to fill out an application form for being transferred to a war zone. That he refused. Subsequently he was summoned to the police as well as to the military. In both places he was forced to sign the form. In the latter case he was subjected to violence.

The Board granted de facto refugee status to the applicant.

Decision of the Refugee Appeals Board, 1995

Rejected

In 1976 the applicant was interrogated by KGB because he had participated in a party of homosexuals. In 1980 the applicant was asked by the militia to report to the police station. Here he was told about the sanctions on homosexual relations and he was asked to move somewhere else. He was released after a few hours. Later he was arrested by the militia. He was placed in a locked room strapped to a chair. Two police officers interrogated him about other homosexuals. He was beaten and spit on, threatened verbally and with a gun. He was released on bribery.

The applicant and his partner lived together in different apartments. They were harassed by neighbors as well as the police. They often moved. Their home was searched in 1991 and 1992. In 1992 the applicant was beaten up and had his arm broken by some young people. When reporting the incident to the police he was told that it would happen again and the next time he would be disfigured.

The Board rejected the application. The harassment was not considered persecution and furthermore the penal code had been revised.

Decision of the Refugee Appeals Board, 2000

Rejected

The applicant had a lesbian relationship for years with a friend from school. Nobody knew about this. They are both members of an Islamic society. Later they were both forcibly married.

After many years they met again and were caught by the husband of the applicant.

He was furious and the applicant had to flee the man and his family who was discussing the use of honor killing.

The Board rejected the application and the applicant was referred to live somewhere else in Russia.

Decision of the Refugee Appeals Board, 2003

Rejected

The applicant is transgendered. In 1994 she started in an agricultural college, but left because of constant verbal harassment and degrading treatment. During military service she was humiliated, beaten and sexually abused on a daily basis by common soldiers, and she was raped once. She was humiliated by officers. She didn't report this out of fear.

The applicant had to leave a hospital prematurely after an operation for appendicitis after the staff realized she was transsexual.

In 1998 the applicant had breast implants inserted illegally by a medical student. Gender reassignment operations are very difficult and expensive to get officially.

Since 1997 she was detained numerous times for ID-control, sometimes several times a day. At the different police stations she was harassed, humiliated and sexually abused. She was offered to other police officers for oral sex. She was raped twice by police officers while in police custody.

Twice the applicant was attacked by groups of young persons in the building, where she rented a room.

The Board found, that according to background information there was no reason to expect systematic persecution of transgendered persons in Russia, neither by private persons nor by the authorities.

The Board thus referred the applicant to seek the protection of higher authorities in Russia and suggested she move to a larger city, where it could be expected there would be a possibility to find a community of persons with her sexual orientation (sic.), and where it is less likely the applicant be victim to illegal abuse by the police.

Decision of the Refugee Appeals Board, 2003

Rejected

The applicant and his partner were harassed by the police because of their homosexuality. They lived together since 1995 and decided to come out in 2000. In 2001 they were assaulted by five persons and were hospitalized for two weeks. Two of the five persons were from the police. The applicant and his partner were repeatedly detained under false charges. They complained to the authorities but were rejected on technical reasons or asked to alter statements not to accuse the police. This resulted in further harassment by police and telephone threats. There was an intertwined criminal case concerning financial transactions, which included police officers. During an arrest the applicant was subject to rough treatment and feared for his life. He succeeded in fleeing the detention. Hereafter the couple fled the country. The applicant complained to local and county authorities only, not to national bodies.

The Board rejected the application because the applicant did not complain to higher authorities. The assaults on the applicant and his partner were supposedly related to the financial crimes, and there is no reason to expect, these are sponsored by the authorities. The difficult situation for gays in Russia is not a reason for asylum, and the applicants are suggested to move to a bigger town, where there might exist a gay community.

Turkmenistan

Decision of the Refugee Appeals Board, 1995

Rejected

In 1989 at the age of 17 the applicant was detained for two days by the police because he is homosexual. During the detainment he was raped by other detainee, which the personnel let into his cell, as well as by personnel. In 1990 he was drafted for military service. In 1991 he was returned from military service after being caught in a sexual relationship with another military person. Before being returned he was

send to a military hospital for a month. Shortly after he was against his will fetched by personnel from a hospital and send to the psychiatric section. He was forcible given a medical treatment and treatment with electro shock. He was discharged after two and a half months. He was harassed when moving around in public. He was detained by the police several times for HIV-test. He left the country in 1994. According to the applicant the Turkmenian penal code was not revised, and the penalty for homosexuality is up to eight years.

The Board found, that the harassment after he left the hospital was not persecution in the sense of the Convention and thus he was not persecuted when he left the country. The criminalizing of homosexuals was not considered a reason for asylum. Thus his application was rejected.

Ukraine

Decision of the Refugee Appeals Board, 2000

Rejected

In 1991 the applicant was dismissed from his job as teacher because his homosexuality was rumored. In 1995 he was assaulted by four persons who raped him. He did not report the incident to the police out of fear of being imprisoned because of his sexuality. He was often harassed in the street and several times physically assaulted. He reported these incidents to the police but they never did anything about it.

The majority of the Board rejected the application because the harassment could not be considered persecution.

Uzbekistan

Decision of the Refugee Appeals Board, 1992

Refugee status (F)

When reporting - in 1985 - a burglary from his apartment the applicant and his partner were submitted to forced medical examination and subsequent searches. Later, in 1986, the applicant was arrested after a sexual relation

with a diplomat. He was interrogated, photographed and ill treated by the police. He was arrested once more in 1986 and both times KGB asked him to become an informer, which he refused. Because of this he was sentenced 3 years of imprisonment according to article 121. He was dismissed from his study and imprisoned. During the imprisonment the applicant was ill-treated e.g. he was urinated on and his nose was broken. During the stay he served three months in a work camp. After he was released he was to return for control for three years. After being released in 1989 it was impossible for the applicant to get a job because of a remark about the sentence in his papers. He and his partner were arrested a further three times in 1990 and 1991. When they left the country in 1991 there was a charge against the applicant according to article 121.

He was granted de facto refugee status.

Europe

Albania

Decision of the Refugee Appeals Board, 2002 **Rejected**

When the family of the applicant knew he was gay, he was beaten by his father and brother and other family members and ousted from the family. He was threatened on his life by the family. This was almost a decade ago. Within the month he was arrested by local police because of his homosexuality. He was verbally abused and beaten up. A book was held to his body to avoid blue marks by the punches. He was placed in a bathtub with cold water for half an hour and his head was held under water until he was almost choked. The police officers were masked. He was withheld one day.

According to the applicant the maximum penalty for homosexuality was 10 years of imprisonment, which was changed for 3 years imprisonment in the new legal code. The applicant became an LGBT-activist and gave interviews to the press under false name. He was constantly harassed by the civil population.

In the mid-nineties he co-organized and attended a demonstration. He was withheld three days, was presented to a judge but got no lawyer. He was convicted 5 months imprisonment. Most of the time he was in isolation, and he was harassed by the prison guards.

Two years later he was arrested and told he would be killed, if he spoke badly about some specific politicians. He was bound to a chair and kicked on the legs and in the face. He was released after two days.

A year later he was kidnapped by 4 masked men and taken to a nearby mountain. He was beaten up and had a gun stuck into his mouth. They threatened to kill him. He was gagged and left bound to a tree. The following day he was found by a shepherd. He then fled the country.

The Board considered the episodes as isolated, and could not confirm that homosexuality should be illegal. Furthermore there were no indications that the last assault was made or sponsored by the authorities. It thus referred the applicant to require the protection of the local authorities and rejected the application.

Lithuania

Decision of the Refugee Appeals Board, 1994 **Rejected**

The applicant was arrested in 1992 on being caught in a sexual relation with another man in a train. His permission to travel outside the country was annulled during the arrest. When released using bribery he was told he would be charged after art. 122 of the penal code. When 5 days later he was summoned to a meeting with the police he did not turn up.

In 1993 police arrested the applicant in front of a gay bar. When the applicant questioned the arrestment he was beaten with fists.

While the asylum case was processed the Lithuanian penal code was revised and the criminalization of homosexuality was removed.

The first instance rejection was confirmed by the Board.

Decision of the Refugee Appeals Board, 1994 **Rejected**

In 1983 the applicant was made an agent by KGB by threats of being scandalized as a homosexual. The applicant is not a homosexual. Nothing else in the case is of interest here.

Decision of the Refugee Appeals Board, 1997

Rejected

The applicant is homosexual. In 1990 he was caught with a friend in a park by the police. The following years he was harassed by the police with regular summons to the police station and four forced HIV-tests. He was routinely rounded up as a usual suspect in cases of burglary and rape. On such occasions he was slapped in the face and verbally humiliated but was always released without any charges.

In 1996 he was approached in a gay bar by an employee of a trafficking company. He was asked to become a prostitute but refused. A few weeks later he was approached again by the same person who threatened him. He then became a male prostitute in Germany. He fled after a week and returned to Lithuania. He was approached by five people from the company who beat up him and his sister. When reporting the incident to the police he was retained for one week. He was told that the company had reported him for owing them some money. Some police officers threatened with rape if he did not collaborate with the company and furthermore his car was confiscated until he had paid off his dept. After he was released he was approached again by the company and threatened with being killed if he went to the police again. He fled the country.

During the processing of his asylum case he was informed that his sister had been killed.

The Board rejected the application in referring the applicant to seek protection by higher authorities in his home country.

Rumania

Decision of the Refugee Appeals Board, 1994

Refugee status (F)

In 1991 the applicant started a lesbian relation. The former boy-friend of the new partner

reported the two women to the police. In 1992 they were arrested in the home of the partner. The applicant was detained for seven days. During these she was interrogated four times. During the interrogation the applicant was beaten and verbally insulted. During the nights she was raped four times by more prison officers. She tried to report the rapes to the police officers during the interrogations, but it was neglected. The interrogators tried to make her sign a document stating she was a lesbian. She refused to do so.

The Board granted the applicant de facto refugee status.

Decision of the Refugee Appeals Board, 1994

Rejected

The applicant and his friend was twice beaten up by the police in 1993 because of being homosexuals.

The application was rejected by the Board.

Decision of the Refugee Appeals Board, 1995

Rejected

In 1994 the applicant by his own will participated in a gay porn movie accepting a payment. He was not 18 years old yet. Some days later he was arrested by the police and his home was searched. He was accused for being in the movie and for having sexual relations with men. He was transferred to a juvenile detention centre. Here he was sexually humiliated by personnel as well as by other inmates because he was there for having been in a porn movie.

The Board rejected the application because of an ongoing but not completed revision of the penal code, which was expected to decriminalize homosexuality. The applicant was not expected to be subject to persecution upon returning to his home country.

Slovakia

Decision of the Refugee Appeals Board, 1999

Rejected

The applicant is transsexual. In the communist time she had her birth certificate changed from male to female gender.

She and her partner live in a small town. For eight years they were bullied and humiliated by police. The harassment was intensified during 1998-1999. Several times the applicant and her partner were forced to undress in public places or on the police station. Once the partner was chained to the radiator during the detention. In one case the applicant was undressed and made run around a table at the police station while police officers poked her and slapped her genitals with a stick which was subsequently forced into her rectum. In another case the applicant had two front teeth knocked out by police officers. They tried to report the incidents to the chief of police but after this the harassment got worse.

The application was rejected by the Board. The applicant was referred to seek protection by higher authorities in her home country.

MENA and Turkey

Algeria

Decision of the Refugee Appeals Board, 1992 **Rejected**

The applicant is homosexual and since 1988 member of a loosely organized group for gay men. He was imprisoned five times in the period 1988-1990 always because of being homosexual. The most recent sentence, from 1990, was of four months of imprisonment and an additional suspended sentence of one year of imprisonment.

The Board rejected the application. According to act 338 it is the homosexual act, which is punishable. Considering the applicant was released after serving the sentences there was no indication that the applicant did not get a fair trial. Furthermore he left the country legally.

Decision of the Refugee Appeals Board, 1998 **Rejected**

The applicant is bisexual. In 1994 he was approached by Islamic fundamentalists, who

threatened him with a gun because of his sexuality. He paid them off with some jewelry. He did not dare report the incident to the police out of fear for being sentenced to prison. In the following weeks he was subject to telephone harassment where he was threatened with killing. His friend was also threatened and was killed in 1995 by having his throat slit. The threats on the applicant continued.

The application was rejected by the Board, which considered the evidence credible. There was no indication that the sexuality of the applicant was known to the authorities. Furthermore the possible penalty for this was not considered disproportionate compared to Danish law.

Iraq

Decision of Refugee Appeals Board, 2004 **Refugee status (F)**

The applicant is homosexual. Because he was ashamed, frightened and shy, he first filed a made up asylum motive. In fact the applicant had been detained in Bagdad in 1999 for his homosexuality. He was slapped by the police officers, but he was never subject to actual physical persecution under the Saddam regime. He was detained for three months but was released on bribery. His family did not know the true reason for his detention.

One day the applicant was surprised by some family member while having sex with another man. He fled to Kirkuk to a friend, stayed there for a month and fled Iraq.

During the case the applicant received a document, where his clan leader declares him outlawed. Anyone from the clan can kill him, and if anyone outside the clan kills him, there will be no revenge. He was threatened by his closest family as well as by the clan.

The Board considered the revised explanation credible. A majority of the board considered it impossible to have the applicant return and granted him asylum.

Iran

Decision of Refugee Appeals Board, 1991

Refugee status (F)

The applicant had numerous problems with the authorities including imprisonment and arbitrary detention. All this derived from the fact, that some family members fled Iran previously. At a late point in the case, the applicant mentioned his homosexuality, which he thought illegal in Denmark. His partner in Iran had been killed, and two of his friends were presently imprisoned or killed. The authorities were now searching for the applicant.

De facto refugee status was granted considering the case in whole.

Decision of the Refugee Appeals Board, 1995

Refugee status (C)

The applicant is homosexual. He was detained four times for homosexuality: in 1986, 1989, 1990, and 1991. The first time he was detained for 24 hours. He was released after signing a form that he would not again offend the law. The second time he was arrested for 1 day and convicted 90 lashes. In 1990 he was again retained for 1 day and had 90 lashes. The applicant has no injuries due to the lashes. He had some help from a neighbor, a mullah, who used his influence to avoid the punishment being made in public, and supposedly to make the lashing mild.

Subsequently he was reported to the authorities by a man, with whom he had a sexual relation, and who was caught in a sexual act with another man. Because of his fear for a death sentence, the applicant fled the country upon knowing he was searched for by the Islamic Committee.

The applicant got Convention refugee status because the authorities knew him as homosexual.

Decision of the Refugee Appeals Board, 1995

Refugee status (F)

A homosexual man fled Iran because he was summoned by the court. Since his military service, 1986-1988, he was often beaten in the street by the Basijis because of his somewhat feminine appearance. His partner was arrested because of a traffic incident involving two Basiji guards, who were following the two men. His

partner had a copy of The Satanic Verses by Rushdie. Subsequently his partner was arrested and the applicant was summoned to meet in the court.

A majority of the Refugee Appeals Board could not reject the explanation and that the summons was genuine. He got de facto refugee status.

Decision of the Refugee Appeals Board, 1997

After being seen with a partner during military service in 1994 the applicant was interrogated by the police. He had his fingers lashed, a hand burned with cigarettes, was stepped on one hand, and had the nail of the left index finger torn off. He was retained for five days. When released he was threatened with death by stoning if he was caught again. Later he was sentenced 15 years of imprisonment without reason.

The case was not treated by the Board, which referred it to France, from where the application for asylum in Denmark was submitted (before the Dublin Convention). The applicant did not meet the Board in person.

The case is included here because it is not typical.

Decision of the Refugee Appeals Board, 2000

Rejected

Since the age of 13, the applicant has had homosexual feeling towards other men. He was forced into a marriage, but continued to have male lovers. While visiting family in Denmark he got a partner, and it became known to Iranians in Denmark, that they are homosexuals. The applicant fears to be persecuted in Iran.

The Board rejected the case. According to background information homosexuality is generally accepted and homosexuals are not persecuted by the authorities. Furthermore, according to the explanations of the applicant, it is presumed, that the adultery made by him is not known to the authorities, and that he is not at risk of being persecuted for that.

Decision of the Refugee Appeals Board, 2002

Refugee status (F)

The applicant is homosexual. He was together with another boy the first time at the age of 8-9 years. The applicant's father realized this and beat up the applicant. In the following years the applicant had relations with several other partners including a lengthy relationship. He once got to know a boy of age 17-18, a minor, whom he knew for two months. He then suggested they have sex. First he was rejected, but the boy accepted on the condition there would be no penetration. However, the applicant did penetrate the boy against his will. The boy's father was member of the revolutionary guard, and the home of the applicant was approached the same day by the intelligence service. The applicant was not there and subsequently fled the country.

A majority of the Board could not reject the rape and could not reject it was known to the authorities. Thus the applicant was granted asylum.

Decision of the Refugee Appeals Board, 2002

When children, the applicant and two other boys had a homosexual relation. One of them, two years senior, informed on the two others, who spend two years in a prison for children. This was during the regime of the shah.

The elder boy later became a priest and caused much trouble to the applicant, who grew up to become heterosexual. The rest of the case has no reference to sexual orientation.

Decision of the Refugee Appeals Board, 2003

Refugee status (F)

The applicant had a homosexual relationship with another man for two years. He was forced into a marriage, but intensified the relation to his lover. One day when they had sex at the friend's house, they were surprised by his father. Subsequently the applicant fled the country. His family has told, the authorities are looking for him.

While in Denmark the applicant received a summons from the court from his family, which was tested for genuineness. It was concluded it was unlikely it was genuine.

The Board found that the explanation was somewhat flawed, but a majority could not

reject, that the applicant might be persecuted by the authorities if he returned. He was thus granted asylum.

Decision of the Refugee Appeals Board, 2005

Refugee status (B)

The applicant is homosexual. He was detained several times because of minor political activities and because of his sexuality. Once he was raped by a police officer while in detention.

An explanation about the applicant killing the officer in affect when meeting in the street was rejected as not reliable. An explanation about the Iranian authorities learning about his conversion to Christianity while in Denmark was rejected as not reliable.

A majority of the Board found, that the Iranian authorities are aware of the sexual orientation of the applicant, and that this – considering further the rape – might cause the applicant to be subject to persecution if returned to Iran. He was thus granted asylum.

Decision of the Refugee Appeals Board, 2005

Refugee status (B)

The applicant is not homosexual. He was attacked by his Basij leader, who tried to rape him. He fled the scene and was later accused by the leader of stealing a weapon.

The Board found the explanation credible and found that the applicant might get into troubles due to the Basij leader if returning to Iran. Considering the situation of the legal system, the Board could not reject the possibility that the applicant might be persecuted. He was therefore granted asylum.

Israel

Decision of the Refugee Appeals Board, 1994

Rejected

In 1989 the applicant, who is Jewish, immigrated to Israel from Kazakhstan. He got Israeli citizenship the same year. In 1983 he was persecuted by MVD (Department of Internal Affairs), KGB, and fellow students at the university because of his homosexuality. He was

dismissed from the university. In 1984 he was summoned to a mental hospital where he was held for one month. He was treated with medicine and injections, which made him 'weird'. After he was discharged he was summoned to consultations every third month. He was not drafted for military service because his military papers were marked Psychopath.

The Board rejected the application since the applicant was not persecuted in his home country.

Lebanon

Decision of the Refugee Appeals Board, 1996 **Rejected**

The applicant is a stateless Palestinian and a Sunni. Because of his homosexuality he was imprisoned for 17 days in 1995. He was arrested in his working place and placed in a military prison. After four days he was presented to the court where he was charged for homosexuality. He confessed and was transferred to another prison. He was told that he would probably be sentenced one year of imprisonment. After 11 days he was released by means of a bail. Furthermore the applicant was harassed by Hezbollah and people from his neighbourhood. He was thrown out of his home by his father because he had disgraced the family. He then attempted suicide. The applicant fears a death sentence by Hezbollah and a sentence by the court for 1,5 years of imprisonment.

The application was rejected by a majority of the Board. The applicant was not considered persecuted.

Turkey

Decision of the Refugee Appeals Board, 2000 **Rejected**

The applicant is transsexual. She wants a male-to-female gender reassignment operation. The applicant does not want to enter into military service. According to the applicant transsexuals and homosexuals are persecuted and sent to the turbulent areas of South East Turkey to be killed.

Many of the friends of the applicant have served in the military and have been submitted to rape and sexual harassment.

She has experienced many arbitrary detentions. She was living with transsexuals in Turkey who were all prostitutes.

In 1996 the applicant was arrested by three police officers, who took her to a deserted area and raped her for almost an hour. In 1998, while the applicant was living with a transsexual friend, two police officers entered the apartment and there raped both. It was common behavior by the police in that area which housed many transsexuals.

The application was rejected by the board. The applicant was referred to seek protection by the higher authorities in his home country.

Disturbing knowledge

Decisions from asylum cases as documentation of persecution of LGBT-persons

By

Søren Laursen – sla@lbl.dk

Volunteer counselor and long-time activist with LBL. Chair of the Asylum Committee of Danish Refugee Council. Member of the Refugee Appeals Board 2000-2002 on nomination by Danish Refugee Council. Has co-decided some 100 cases.

Mary Lisa Jayaseelan –

Mary.Lisa.Jayaseelan@drc.dk

Jurist and legal advisor with the Refugee Council

July 28, 2009