



Women in Refugee Law

Women in Refugee Law (WiRL)

Response to the call for input to thematic report to HRC62: Violence and discrimination experienced by lesbian, bisexual, and queer (LBQ) women

1. Women in Refugee Law (WiRL) is a global network of more than 350 asylum claiming and refugee women, academics, practitioners, judges, policymakers and activists.¹ WiRL is committed to the principle that all women and girls should have equal rights to live a life free from violence and discrimination, and we welcome this opportunity to share our members' evidence in this regard in relation to LBQ refugee women and girls.² We would be happy to provide the Independent Expert with further information to help address the concerns identified below.
2. The IE's call rightly highlights 'that LBQ women experience unique vulnerabilities that may not be adequately addressed within traditional women's rights or LGBT rights frameworks.' This experience of falling between different rights frameworks and related support mechanisms is further exacerbated for LBQ women claiming international protection. While gender and SOGI-based violence and discrimination is now recognised in international refugee and human rights law and guidance, this recognition generally takes a siloed approach, treating women and LGBTQI+ refugees separately in a way that obscures the specific experiences and needs of LBQ women.³ This segregated approach is reflected in regional and domestic frameworks, where again, the particular experiences of queer women and girls are often invisible or unaddressed.⁴ Our submission addresses this gap.

¹ Contributors to this submission include: Aderonke Apata, African Rainbow Family; Emily Wilbourn, Asylos; Sophie Cartwright, Jesuit Refugee Service UK; Nath Gbikpi, Leigh Day Solicitors; Gabriella Bettiga, MGBE Legal; Daisy Vaughan Liñero, Migration and Asylum Consultant; Isabel Soloaga, NQIfFM, University of Sussex; Dr Nina Held and Dr Mengia Tschalär, Queer European Asylum Network; Pip McKnight and Dr Jenny Phillimore, SEREDA, University of Birmingham; Prof. Dr. Ulrike Krause and Nadine Segadlo, Universität Münster; Prof. Elif Sari, University of British Columbia; Dr Skye Chirape, University of Tokyo; Dr Moira Dustin, Dr Christel Querton and Nicola Robbins, WiRL; Cat Baron, Women for Refugee Women.

This submission also builds on a wider body of evidence, largely though not exclusively by WiRL members.

² In this submission we use 'refugee women' to encompass the experiences of refugee, asylum claiming and displaced women and girls. All names of refugee women are pseudonyms.

³ For example, UNHCR 2002 and UNHCR 2012.

⁴ For example, EUAA 2024 and EUAA 2025; Home Office 2016 and Home Office 2018.

3. The extent of LBQ refugee women's experiences of violence and discrimination is beyond a single submission, but these examples provide a snapshot of some current concerns:

- Many LBQ women experience severe abuse in their countries of origin from state officials and/or family members, including sexual violence, FMG/cutting, forced marriages, and 'corrective' rape (WRW, Dec. 2025).
- LBQ refugee women face systemic, intersecting, and ongoing violence and discrimination that extend across borders and institutions. Their experiences are shaped by gender, sexuality, race, and immigration status, (for example transgender women of African heritage seeking asylum in the United Kingdom) yet too often remain invisible in policy and protection frameworks such as in the UK (African Rainbow Family, email Jan. 2026)
- Trans women from El Salvador and Honduras targeted by criminal gangs continue to be vulnerable to sexual and gender-based violence (SGBV) after arriving in Mexico (Romero & Huerta, 2028).
- LBQ women in Kakuma Refugee Camp, Kenya experience pervasive structural and physical violence, with lesbian women, particularly, facing SGBV (Krause & Segadlo, 2024).
- Many trans women or *khwaja siras* in Pakistan experience discrimination and abuse, including domestic violence at the hands of their family or the police, leading to internal displacement (Munir, 2028).
- Iranian LBQ refugee women in Turkey are frequently placed in inadequate housing in conservative or rural areas where they are exposed to harm (Soloaga, Dec. 2025; Sari, 2019).
- LBQ women in the UK are at specific risk from the pervasive culture of disbelief within asylum decision-making (JRS UK Dec. 2025; WRW Dec. 2025).

Below we focus on two areas of concern for LBQ refugee women: a) legal obstacles to protection and b) discrimination and violence in accommodation and detention.

Legal obstacles to protection

4. LBQ women claiming asylum experience particular problems, often relating to credibility. They find it difficult to provide evidence to support their claim because the persecution they experience is likely to happen in private, as for these two women claiming in the UK:

- A lesbian woman was asked for her girlfriend's death certificate to establish credibility. She replied: 'We are not married, I'm not legally married by law since these relationships are not allowed, so how am I supposed to have that death certificate?' (McKnight, Phillimore & River, 2024: 17).
- The claim for asylum by a lesbian woman was refused, as was her first appeal where the judge found that '[t]he appellant is not a lesbian, nor would she be

perceived to be a lesbian on return to Malawi'. She was finally granted asylum only after her 19-year-old son testified that his mother and her girlfriend 'slept in the same room and sometimes bathed together' (Dustin, 2022: 408).

5. Of LBQ women who disclosed their sexuality within their asylum claim and were rejected, 9 out of 11 were refused because the UK Home Office did not believe the women were lesbian or bisexual (WRW Dec. 2025). Difficulties in establishing credibility are exacerbated by the Nationality and Borders Act 2022 which raises the standard of proof in asylum decision-making (JRS UK, Dec. 2025; WRW, 2023).
6. LBQ women need to be 'visibly queer' to be believed by decision-makers (McKnight & Phllimore, Dec 2025). However, women who have had to conceal their SOGI in their country of origin will find it difficult to be open with officials in an asylum interview. In research with LBQ women, 12 of the 18 respondents spoke of the trauma caused by past persecution, and their fear of being disbelieved and returned to the country of persecution (WRW, 2023: 13):
 - In the words of one woman, 'Being a refugee in a new country you don't trust people easily. When you've gone through so much hatred, so much abuse...it's hard to open up and trust people.' (WRW, 2023: 13).
7. In the absence of documentary evidence, credibility often depends on recounting traumatic experiences, leading to retraumatisation and ignoring the impact that trauma may have on memory. Research in the UK shows immigration judges dismissing medical evidence about the impacts of trauma on memory and the ability to present a 'coherent narrative' (Vaughan Liñero, Dec. 2025). Similarly, in decisions by German officials, lesbian refugees are often blamed for recounting experiences of violence and persecution 'incompletely' and/or 'emotionlessly' (Held & Tschalär, Dec. 2025).
8. A problem for LBQ women relates to the particular social group Refugee Convention ground, typically used for gender and SOGI-based claims. UK research suggests this channels women's claims along two distinct pathways: one path, for women fleeing gender-based violence, assumes that they are heterosexual and/or cis-gender and expects them to conform to stereotypes of victimhood and vulnerability; the other path for LBQ women, ignores their experiences of SGBV, focusing on whether they are 'genuinely' LBQ as assessed by the prevailing stereotype of the 'out-and-proud' gay individual. LBQ refugee women who are unable or unwilling to conform to either stereotype may be denied protection as a result (Dustin, 2022).
9. Country of origin information (COI) is a concern as there is very limited information specifically on the experiences of LBQ women. This means it is difficult for legal advisors to find evidence that LBQ women would be at risk of persecution in their home country. The increasing use of 'safe country' concepts may be harmful for LBQ women. In many countries, only same-sex relationships between men are criminalised, falsely implying that LBQ women can live safely (Asylos email Dec 2025; Nath Gbikpi, email Dec. 2025).

10. LBQ women who are also ethnic or religious minorities/have disabilities etc, face multiple layers of discrimination and this is not always recognised in asylum claims, that focus on the 'main' reason for claiming asylum, or they are not believed if they are, for example, Christian and lesbian as the two are seen as 'not compatible' by decision makers. This highlights that in some instances stereotypes and cultural bias affect decision making process (Gabriella Bettiga, email Jan. 2026).
11. While many LBQ women will have been married, including through forced marriages, and had children, these factors are routinely used to undermine their protection claims (WRW, 2023: 10; Gbikpi, email Dec 2025). A lesbian support organisation in Germany states that 95% percent of their clients are rejected on credibility grounds because they are mothers or have been married (Tschalär, 2023: 247). And many LBQ refugee women in European countries have been forced to leave their children in their country of origin, causing ongoing distress (Dustin, 2022: 408; Tschalär, 2023):
- Livia arrived in Germany in 2017 and her claim was rejected on credibility grounds because she had been married twice and had 3 children. Her pain at separation was increased by seeing other children nearby: 'Here where I stay there are many children. ...I wish they [my children] were here, and I could get them ready for school. I wish this would happen soon' (Tschalär, 2023: 242).
 - Anu's UK application was refused twice: 'They said that they did not believe my sexuality. Because I had married a man the Home Office argued that I wasn't really a lesbian. They doubted my sexuality even though I couldn't tell them about it during my interview, as I felt so scared' (WRW, 2023: 10).
12. The scale and nature of LBQ women's protection needs is largely invisible. Few jurisdictions keep asylum statistics that disaggregate gender and SOGI claims, and none – to WiRL's knowledge – provide data relating to LBQ women. This makes it difficult to understand and meet LBQ women's protection needs (Shaw, 2025; Asylos email Dec. 205).

Discrimination and violence in accommodation and detention

13. The violence that LBQ women experience in their countries of origin often continues in transit and after they have arrived in the country where they seek protection. In the UK, for many LBQ women supported by the African Rainbow Family Women's Group, violence first occurred in their countries of origin, where same-sex relationships are criminalised or heavily stigmatised. Several women expressed that violence did not end with displacement; rather, it continued in host-country contexts, including asylum accommodation and shared housing. One woman in the Women's Group described this as 'living in constant fear even after reaching safety', explaining that visibility as an LBQ woman remained dangerous within both migrant communities and institutional settings (African Rainbow Family, email Jan 2026).

14. Also in the UK, LBQ women in mixed-gender shared housing are exposed to harassment, SGBV and exploitation, with trans women seen as 'fair game' for sexual predators (McKnight and Phillimore, Dec 2025). WRW's research found 56% of women in [government-provided] hotel accommodation had to share a room severely impacting their privacy. For LGBTQ people, this can therefore mean forcing them to choose between hiding their identity or exposing themselves to possible abuse (WRW Dec. 2025). Abuse in accommodation may compel LBQ women to flee, becoming homeless and further exposed to SGBV (Chirape, Dec. 2025). LBQ women who are detained report abuse from both staff and other detainees and are at high risk of retraumatisation (WRW Dec. 2025; JRS UK, Dec. 2025).
15. LBQ women in a refugee camp in Kenya report experiencing sexual violence, abuse and rape in an environment where homophobic and transphobic sentiments are manifest in violence carried out by other refugees, humanitarian and administrative staff, and police. Lesbian women face a particular risk of sexual abuse:
- One woman explained 'They touch you. They beat you. [...] They take all of your things and rape you badly' (Krause & Segadlo, 2024: 26).
16. In Turkey, LBQ women are often sent to live in conservative cities and rural areas with no social infrastructure (Soloaga, Dec. 2025; Sari, Dec. 2025). Whatever their SOGI, women face persistent harassment from local residents, other refugees, and authorities including the police. However, fearing deportation, they often fail to report this to the authorities (Sari, Dec. 2025).

Conclusion

17. In conclusion, in addressing the concerns raised here and in other submissions, we urge the IE to prioritise the voice and participation of LBQ refugee women.

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Contributions for this submission in full:

[Chirape, S., December 2025](#)

[Held, N. & Tschalär, M., December 2025](#)

[Jesuit Refugee Service \(JRS\) UK, Dec 2025](#)

[Krause, U., & Segadlo, N., December 2025](#)

[McKnight, P. & Phillimore, J., December 2025](#)

[Soloaga, I., December 2025](#)

[Vaughan Liñero, D., December 2025](#)

[Sari, E., December 2025](#)

[Women for Refugee Women, December 2025](#)

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UNHCR (2012) [Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity HCR/GIP/12/01](#).

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