



## **Rainbow Rose and PES Women statement The most vulnerable amongst refugees Istanbul conference 18 and 19 February 2016**

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LGBTI asylum seekers and refugees are part of those who flee persecution, including in the context of the current Syrian crisis. Gender-based persecution, sexual orientation-based persecution have been well documented, particularly – but not only – in areas controlled by ISIS.

Their victims must benefit from our support. A number of EU law principles and tools are here to help. They must be used. The emergency we face cannot be a pretext to forget them. In addition, in the context of the EU/Turkey negotiations on Syrian refugees, it is essential to work for Turkey, which is *de facto* in charge of processing an overwhelming number of applications, to apply the same standards, be scrutinised and receive support accordingly.

### **1. Asylum authorities' obligations under EU law**

Under the EU Asylum Directives, and largely thanks to the good work of socialists such as Sylvie Guillaume MEP in the European Parliament. Since 2015, they should be fully enforced.

- The personnel of asylum authorities, as well as of accommodation centres and other officials who first are in contact with persons seeking international protection, must be trained to adequately take into consideration general and personal circumstances surrounding the application – including gender, sexual orientation and gender identity.
- The concepts of “safe countries” can never be understood as a guarantee of safety and can always be challenged by applicants, based on their case’s circumstances such as gender, sexual orientation and gender identity. This applies to the concepts of “first country of asylum”, “safe country of origin”, “safe third country” and “European safe country”.
- Asylum authorities must provide for special procedural guarantees whenever necessary due to circumstances related persecution based on gender, sexual orientation, gender identity, and/or persecution involving physical, sexual or psychological violence.
- The UNHCR Guidelines on gender-based persecution and on sexual orientation and gender identity based claims should be used as a guidance in the implementation of all relevant positions by European asylum authorities.

### **2. Mainstreaming gender, sexual orientation and gender identity in the EU’s response to the present emergency**

Different responses are explored by socialists, in particular Cécile Kyenge MEP, who is doing a great job negotiating the report on a holistic approach to migration, and by Mary Honeyball,

on the question of women refugees and asylum seekers. Gender, sexual orientation and gender identity aspects must be mentioned. We insist in particular that:

- Any relocation schemes to be put in place within the EU should take into consideration the preference of applicants. This increases the chances of well-accepted decisions. It is particularly important in gender, sexual orientation and gender identity based cases, as EU Member States have a particularly uneven record on the actual enforcement of women's and LGBTI people's rights.
- The resettlement schemes the Parliament's draft report is calling for should apply the same principles. Consistently, humanitarian visa and admission programmes should be operated in a gender, sexual orientation and gender identity sensitive manner, in order for women and LGBTI refugees to be given a fair chance.
- The Parliament draft report's call for earmarked funding supporting the implementation of human rights based provisions of EU law, including non-discrimination, should translate into actual policies sensitive to gender, sexual orientation and gender identity aspects.
- Special attention needs to be paid to the problem of smuggling and trafficking, especially of women and children, thus also preventing cruel sexual exploitation and abuse.